

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 8905) to repeal paragraph (1) of subsection (b) of section 43 of title III of the act of May 12, 1933 (Agricultural Adjustment Act, 48 Stat. 52); to the Committee on Agriculture.

By Mr. BLAND: A bill (H. R. 8906) to amend section 4311 of the Revised Statutes of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BOYKIN: A bill (H. R. 8907) to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to deputy marshals of the United States; to the Committee on the Civil Service.

By Mr. DICKSTEIN (by request): A bill (H. R. 8908) to provide for uniform regulation of marriage and divorce; to the Committee on the Judiciary.

By Mr. DOCKWEILER: A bill (H. R. 8909) to amend the Merchant Marine Act of 1936, to further promote the merchant marine policy therein declared, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FORAND: A bill (H. R. 8910) to restore the grade of certain clerks reduced as a result of the Terminal Reclassification Act; to the Committee on the Post Office and Post Roads.

By Mr. HOFFMAN: A bill (H. R. 8911) to amend the National Labor Relations Act; to the Committee on Labor.

By Mr. WILCOX: A bill (H. R. 8912) to extend the provisions of the act of June 3, 1906 (34 Stat. 225), entitled "An act for the preservation of American antiquities"; to the Committee on the Public Lands.

By Mr. PACE: A bill (H. R. 8913) to amend the paragraph entitled "Price adjustment payment to cotton producers" in title I of the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (Public, No. 354, 75th Cong.); to the Committee on Agriculture.

By Mr. LUECKE of Michigan: A bill (H. R. 8914) to adjust the salaries of rural letter carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BARTON: A bill (H. R. 8915) to abolish the Commodity Credit Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. DICKSTEIN (by request): Joint resolution (H. J. Res. 558) proposing an amendment to the Constitution of the United States relative to marriage and divorce laws; to the Committee on the Judiciary.

By Mr. DEMPSEY: Joint resolution (H. J. Res. 559) authorizing the President to issue a proclamation with respect to commemoration of the four hundredth anniversary of the journey and explorations of Coronado in western America; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 8916) for the relief of N. W. Ludowese; to the Committee on Claims.

Also, a bill (H. R. 8917) granting a pension to Anna C. Brock; to the Committee on Pensions.

By Mr. DORSEY: A bill (H. R. 8918) for the relief of William H. Verity; to the Committee on Military Affairs.

By Mr. ECKERT: A bill (H. R. 8919) granting an increase of pension to Martha E. Hodil; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee: A bill (H. R. 8920) for the relief of James A. Mills; to the Committee on Claims.

Also, a bill (H. R. 8921) granting a pension to Sherman Lee Rhea; to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 8922) for the relief of E. E. Johnson; to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 8923) granting an increase of pension to Emily R. Dusenbery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8924) granting an increase of pension to Mary E. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8925) granting a pension to Lena Agnes Michaels; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 8926) granting an increase of pension to Mary E. Ward; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3765. By Mr. KENNEY: Petition of Edward Parkyn Post, No. 48, American Legion, favoring the passage of the universal service bill; to the Committee on Military Affairs.

3766. Also, petition of the South Jersey Industrial Council, favoring the Schwellenbach-Allen resolution; to the Committee on Ways and Means.

## SENATE

WEDNESDAY, JANUARY 12, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

## THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, January 11, 1938, was dispensed with, and the Journal was approved.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, in which it requested the concurrence of the Senate.

## CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bailey	Donahay	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Loneragan	Schwellenbach
Berry	Frazier	Lundeen	Sheppard
Bilbo	George	McAdoo	Shipstead
Bone	Gerry	McCarran	Smathers
Borah	Gibson	McGill	Smith
Bridges	Gillette	McKellar	Steiwer
Brown, Mich.	Glass	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Bulkeley	Hale	Miller	Townsend
Bulow	Harrison	Minton	Truman
Burke	Hatch	Moore	Tydings
Byrd	Hayden	Murray	Vandenberg
Byrnes	Herring	Neely	Van Nuys
Capper	Hill	Norris	Walsh
Caraway	Hitchcock	Nye	Wheeler
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New York [Mr. WAGNER] is absent because of a slight cold.

The Senator from Oklahoma [Mr. LEE] and the Senator from Wyoming [Mr. O'MAHONEY] are detained on important public business.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

#### REPORT OF FEDERAL BUREAU OF NARCOTICS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Federal Bureau of Narcotics, prepared by the Commissioner of Narcotics, for the year ended December 31, 1936, which, with the accompanying report, was referred to the Committee on Finance.

#### REPORT ON FEDERAL-AID ROAD WORK

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, a report concerning Federal-aid work administered by the Bureau of Public Roads for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

#### AMENDMENT OF CIVILIAN CONSERVATION CORPS ACT

The VICE PRESIDENT laid before the Senate a letter from the Director of the Civilian Conservation Corps, transmitting a draft of proposed legislation to amend an act approved June 28, 1937, entitled "An act to establish a Civilian Conservation Corps, and for other purposes," which, with the accompanying papers, was referred to the Committee on Education and Labor.

#### QUARANTINE STATION AT GALVESTON, TEX.

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex., which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds.

#### PETITIONS

Mr. TYDINGS presented a resolution adopted by the board of directors of the Baltimore (Md.) Association of Credit Men, favoring amendments to the Revenue Act of 1936 relating to corporations, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of the State of Maryland, praying for the enactment of legislation repealing the present surplus-profits tax and capital-gains tax, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Montgomery County (Md.) Farm Bureau, favoring continuance of the present soil-conservation program, which was ordered to lie on the table.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

A bill (S. 3218) granting a pension to Florence Adele Keyes Gibson; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3219) for the relief of Lester M. Newcomb (with accompanying papers); to the Committee on Military Affairs.

By Mr. ANDREWS:

A bill (S. 3220) to authorize the Secretary of the Treasury to transfer the title and all other interests in the old tower clock from the Escambia County Courthouse Building, acquired by the Government by deed, to the Pensacola Historical Society of Pensacola, Escambia County, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. ASHURST:

A bill (S. 3221) to amend the Federal Corrupt Practices Act; to the Committee on the Judiciary.

By Mr. WHEELER:

A bill (S. 3222) for the relief of Florence Holt; to the Committee on Claims.

By Mr. BYRD:

A bill (S. 3223) for the relief of the dependents of the late Lt. Robert E. Van Meter, United States Navy; to the Committee on Naval Affairs.

By Mr. NYE:

A bill (S. 3224) to provide for the payment under section 602 of the Revenue Act of 1936 of claims placed in the mails prior to January 1, 1937; to the Committee on Finance.

A bill (S. 3225) for the relief of Otto C. Asplund; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3226) for the relief of Sophie Ferreira; to the Committee on Claims.

By Mr. JOHNSON of Colorado:

A bill (S. 3227) for the relief of Mr. and Mrs. Chester A. Smith; to the Committee on Claims.

By Mr. MILLER:

A bill (S. 3228) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; to the Committee on Commerce.

By Mr. BORAH:

A bill (S. 3229) granting a pension to Ina B. Ritchey (with accompanying papers); to the Committee on Pensions.

By Mr. BULKLEY:

A bill (S. 3230) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. NEELY:

A joint resolution (S. J. Res. 245) to authorize acquisition of land for the Bluestone Reservoir project, and for other purposes; to the Committee on Commerce.

#### HOUSE BILL REFERRED

The bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### CONFIRMATION OF APPOINTEES PERSONALLY OBJECTIONABLE TO A SENATOR

Mr. BORAH submitted the following resolution (S. Res. 221), which was referred to the Committee on Rules:

Whereas it has been the practice of the Senate to refuse to confirm a nominee of the President upon a statement by a Senator from the State affected that such nominee is personally offensive or personally objectionable; and

Whereas the matter of confirmation should be determined by the qualifications and fitness of the nominee, and not by the personal feelings, likes, or dislikes of a Senator; and

Whereas such a practice transfers the power of rejection or confirmation from the Senate as a whole to a single Senator, in violation of the spirit, if not of the letter, of the Constitution: Therefore be it

*Resolved*, That the Senate discontinues and disapproves of such practice and will hereafter not respect or give effect to objections based upon the fact that said nominee may be declared personally offensive or personally objectionable to a Senator.

#### JACKSON DAY DINNER ADDRESS BY SENATOR WALSH

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the Jackson Day dinner address delivered by Senator WALSH at Boston, Mass., on January 8, 1938, which appears in the Appendix.]

#### INSURING THE FUTURE—ADDRESS BY SENATOR PEPPER

[Mr. McAdoo asked and obtained leave to have printed in the RECORD an address on the subject Insuring the Future delivered by Senator PEPPER at Jacksonville, Fla., on December 30, 1937, which appears in the Appendix.]

#### COMMENTS BY SENATOR REYNOLDS ON PRESENT POLITICAL DEVELOPMENTS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article written by him entitled "In Washington" dealing with present political developments, which appears in the Appendix.]

#### JACKSON DAY DINNER—ADDRESS BY HON. M. R. DIGGS, PORTLAND, MAINE

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. Marshall R. Diggs, Executive Assistant to the Comptroller of the Currency, at the Jackson Day dinner at Portland, Maine, on January 8, 1938, which appears in the Appendix.]

## TAPPING OF TELEPHONE WIRES IN INTERIOR DEPARTMENT

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from the Washington Daily News of January 12, 1938, entitled "About Snooping," which appears in the Appendix.]

## LACK OF DISCIPLINE IN THE MERCHANT MARINE

Mr. COPELAND. Mr. President, I hold in my hand an editorial from this morning's New York Times headed "Men as Well as Ships." There are some very pertinent statements in the editorial. It calls attention to the fact that "the indiscipline and insubordination, the slackness, and inefficiency aboard American merchant vessels have been emphasized time and again of recent years by conditions that cry aloud for rectification, and Mr. Kennedy himself has repeatedly warned that there must be discipline afloat."

Mr. President, we are holding hearings in the Committee on Commerce that indicate a very serious lack of discipline on American ships. This condition will be presented at length, and I hope shortly, to the Senate. I wish to say for myself that I would think it a great mistake for the Government now to expend any money on the building of new ships until we can have discipline on our ships. There is not any use in having the ships without it. Safety at sea is seriously affected by present conditions, and I am sure that when the Senate has a full revelation of what we have heard in the Committee on Commerce during the past 2 or 3 weeks its Members will be shocked, as the country will be shocked. But for the moment I am satisfied to say what I have said, and to ask that in connection with my remarks the brief editorial to which I have referred be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times of January 12, 1938]

## MEN AS WELL AS SHIPS

It is no more than coincidence that about the time the old *Leviathan* is almost ready to start on her final voyage to the ship-breakers "the largest peacetime shipbuilding program in the history of the American merchant marine" is getting under way. The consummation of plans calling for the immediate construction of 20 ocean-going vessels and the preparation of designs for 23 more was announced Sunday by Joseph P. Kennedy, retiring Chairman of the Maritime Commission, who certainly deserves from the American public a fervent "Well done" for his many accomplishments during the too brief months of his regime.

But in retrospect, looking back upon the career of the *Leviathan*—once the queen of the western ocean—there is something to be learned about operations on blue water that should be heeded in the development of our plans for a marine renaissance. The *Leviathan*, largely because of her tremendous size, was never, except in those brief months of 1914 when she was new, and later in the heyday of her glory as a troopship, a success. She was too big to be successful. That lesson, fortunately, has been well learned, and the plans for our new vessels call for no such "leviathans," impressive but uneconomical. But there is another and a more bitter lesson from the *Leviathan's* history, and it must be well learned. It is the lesson of the men who manned her. The old "*Levi*" had good crews in her day, but few of them—when she was flying our flag—could match in discipline, in all-around knowledge of their jobs and in general sea-going ability those German merchant sailors who manned the old *Vaterland* when she first took to the sea.

For it has been the disgrace and the misfortune of the American merchant marine that our merchant sailors, particularly in the days since the war, have failed to equal in smartness, in ability, in knowledge of their jobs, and in discipline, the seamen of other nations. The indiscipline and insubordination, the slackness and inefficiency aboard American merchant vessels have been emphasized time and again of recent years by conditions that cry aloud for rectification, and Mr. Kennedy himself has repeatedly warned that there must be discipline afloat. He has himself initiated a training program looking toward the creation of a more devoted and efficient body of American seamen, a program on which Congress has taken no tangible action. Thus, satisfaction about the program of new ship construction must be tempered by the realization that we have as yet accomplished little toward the solution of the problem of maritime labor, and until that is solved, until we have well-trained, efficient, disciplined men to man our new ships, we can have no merchant marine worthy of the name.

## PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State

the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. At the time the Senate took a recess yesterday evening the Senator from Georgia [Mr. RUSSELL] had the floor and gave notice that he would like to continue this morning. The Chair, therefore, feels that he should recognize the Senator from Georgia.

Mr. RUSSELL. Mr. President, yesterday when the Senate proceeded to the consideration of executive business I was discussing crime in all its phases throughout the entire United States. I had presented a statement from the Attorney General of the United States and had read a brief extract from a speech by Mr. Hoover, the head of the Federal Bureau of Investigation, which demonstrated from the facts and statistics on file in the Department of Justice that something like 1,500,000 major crimes are committed in the United States each year.

I had cited some statistics showing that the law-enforcement agencies in areas other than the Southern States had signally failed to cope with the rising tide of crime in all its forms and that few of the offenders against the penal statutes in those States were brought to justice.

It was my purpose, Mr. President, to demonstrate the absurdity of the Senate of the United States considering a measure in the guise of dealing with crime which even the sponsors admitted would only deal with eight of the twelve thousand murders in the United States each year and would leave the Federal Government impotent to deal with the 1,500,000 major crimes committed each year.

I had shown that this bill within its four corners does not provide for any punishment whatever for a single member of a lynching mob, but that it merely proposes to punish the peace officers of the county in which such an offense might be committed, and that it had the very unusual provision that the citizens of the county would be subjected to damages in the sum of from two to ten thousand dollars even if they had never heard of the crime of which the victim of the mob was charged and were bitterly opposed to the action of the mob in lynching the victim.

Those statements were made, Mr. President, laying the foundation for amendments which doubtless will be submitted to this bill at a subsequent date, which will be founded on the very fair proposition that if the Federal Government is to deal with crime, if we are to seek to invade the boundaries of the States to see about instances of laxness in law enforcement and penalize the failure of States or counties or cities to punish for crime, unless the Senate proposes to be unfair, if not cowardly, in singling out crimes that are confined to one section of the country, it will undertake to deal with this problem generally, and to establish the rule wherever any person is deprived of life by any criminal means, his family shall have a right to sue the county.

Mr. President, in the discussion of this matter the other day, my beloved friend the senior Senator from Illinois [Mr. LEWIS] offered an amendment which proposed to strike from the bill the very remarkable provision inserted by the Committee on the Judiciary which contemplated that the Congress of the United States should in effect issue a Federal license to gangsters and to racketeers to ply their nefarious trade, to commit their horrible crimes of murder, without becoming involved in the toils of the Federal law or being brought within the purview of this statute. Of course, when this provision, which would have declared an open season for gang killings everywhere within the United States, was exposed, the sense of decency of the American people was aroused; and the Senator from Illinois, when he finally read this measure, offered an amendment to strike that provision from the bill.

However, in the course of efforts to interrogate the Senator from New York [Mr. WAGNER], the author of the bill and its principal sponsor, who does not honor me by his presence at this time, the Senator from New York refused to say—

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. In fairness, it ought to be stated that the Senator from New York [Mr. WAGNER] is absent on account of illness.

Mr. RUSSELL. I regret to hear that the Senator from New York is ill; and I hope the explanation of this bill by those who have read it has had nothing whatever to do with his impaired physical condition.

Mr. LEWIS. Mr. President—

Mr. RUSSELL. I yield to the Senator from Illinois.

Mr. LEWIS. I stated this morning the illness of the Senator from New York. The Senator from Georgia evidently did not hear my explanation of his absence.

Mr. RUSSELL. I did not hear the Senator from Illinois state that the Senator from New York was sick. I regret to hear it. But the Senator from New York—who is the only sponsor of this measure who has said anything at all on the floor, and who has confined his remarks to brief statements made when he was dragged to his feet by direct questions propounded by those who were seeking light on the bill, or who were opposed to its passage—stated that he was solely concerned about the offense of lynching, and that lynching was defined in the bill; and he implied that the crime of gang killing would still be eliminated and not brought within the purview of this measure.

Mr. President, I think the discussion of yesterday, showing the large number of murders and gang killings which take place in the city of New York and which doubtless prevail in other cities, should convince the Members of the Senate in general, and the distinguished Senator from Illinois in particular, that there should be some specific mention in the bill of killings by gangs and some penalty imposed on communities which permit gangsters to ply their nefarious trade.

Therefore, when this matter shall have been fully debated and when the Senate shall be about to reach a vote on the amendment offered by the Senator from Illinois, I shall suggest to him that, instead of striking out, in line 10, page 7, the language which proposes to eliminate all reference to violence between members of groups of lawbreakers, such as are commonly designated as gangsters or racketeers, we be fair about this matter and merely strike out the word "not", in line 10, so as to make it clear and specific that the provisions of the bill, if it shall ever be enacted, shall apply to gang killings.

Mr. McKELLAR rose.

Mr. RUSSELL. If the Senator from Tennessee will pardon me 1 minute, I wish to read the language as it will be if the Senator from Illinois will so modify the language of his amendment:

That "lynching" shall be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers.

I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I desire to say to the Senator that I have prepared an amendment by way of a substitute for the amendment of the Senator from Illinois which does exactly what the Senator from Georgia now suggests, and I should like just a moment to read it at this point.

This amendment is intended to be proposed by me in the nature of a substitute for the amendment of the Senator from Illinois.

On page 7, line 9, after the word "act", strike out the proviso ending in line 16, and in lieu thereof insert the following:

*Provided*, That the term "lynching" shall also be deemed to include any violence by members of a group of lawbreakers, such as are commonly designated as gangsters or racketeers, which results in the death or maiming of any person.

Mr. RUSSELL. Mr. President, I am sure that amendment will appeal to the sense of fairness of the Senator from Illinois. Of course, sometimes crimes of violence that occur in the Southern States are referred to as lynchings when under identically the same state of facts they would be

called gang killings in Illinois, or New York, or some cities where gang killings are frequent, and I am sure the Senator from Illinois will agree to that modification of his amendment. I may say to the Senator from Tennessee that I also had thought of offering an amendment to that effect, but it occurred to me that perhaps the amendment was an amendment in the third degree, and therefore would be subject to a point of order. The Judiciary Committee, in redrafting the bill, in order to put in this language on gang killings and labor disputes and to exempt them from the operations of the proposed law, had rewritten the entire bill, and the Senator from Illinois had offered his amendment to the rewritten measure, and I apprehended that if another amendment should be offered to the amendment of the Senator from Illinois it probably would be in the third degree, and would not be in order. For that reason I had directed to the attention of the Senator from Illinois the provision which I proposed to change, hoping that he himself would adopt the suggestion, and under parliamentary procedure it would then be in order.

Mr. McKELLAR. Mr. President, I have interviewed the Parliamentarian, who says that the amendment of the Senator from Illinois would be in the first degree, and this amendment therefore would be in order.

Mr. RUSSELL. I am delighted to have that assurance from the Parliamentarian, because that assures us that we shall have a record vote on this question when it is finally reached and submitted to the Senate. However, I know that the distinguished and eminent senior Senator from Illinois [Mr. LEWIS] and his colleague [Mr. DIETERICH] will vote with the Senator from Tennessee and myself on this question, because the senior Senator stated that as the language of the bill was worded it constituted a reflection on his State. He further stated that he insisted that the police powers of his State, the law officers and the peace officers, were able to enforce the laws in their community. He stated that he felt that this particular provision—being the provision specifically exempting gangsters from the bill, and allowing them, under what is in effect a license issued by the Federal Government, to carry on all of their horrible crimes—was unworthy because it reflected upon his people. He felt that the provision reflected upon the great State of Illinois. That leads me to conclude that when the final vote shall be taken on this bill, the Senator from Illinois will be found voting in the negative, because it has not been denied here that this bill is a reflection on the section of the United States which I have the honor partly to represent in this body.

Mr. President, I have been doing a small amount of research work on the general subject of crime in all its forms in the United States. I have not been able to cover the field thoroughly. I have been able to reach only one or two of the larger cities, where better statistics are had on crime than elsewhere and where more work has been done by the citizens to provide information for the enlightenment of the public as to the conditions in those cities, doubtless with a view of emulating the fine record of the Southern States and reducing the crimes other than lynching that have recently been on the increase in those States to the same proportion we have reduced lynchings, which have been all but eliminated.

Mr. President, we are delighted that these citizens of other sections that are crime-infested, that are crime-ridden—sections where it is necessary for persons even to arm themselves to go to church, to have a police escort to watch over them while they listen to prayers, in order to avoid being beaten by thugs and banditti—are now to commence a movement similar to that which was inaugurated in the Southern States in regard to lynching a great number of years ago, and seek to eliminate and stamp out the peculiar crimes with which their respective sections are afflicted.

In the consideration of this bill amendments will be offered which will be designed to penalize the crime called racketeering. Mr. President, I never have been able to know from first-hand experience about the crime of racketeering. Though in my feeble way I have practiced law in the courts

of a number of counties in my State, I have never come in first-hand contact with it.

I have not seen articles in the newspapers of my State which would indicate that this terrible crime of racketeering was prevalent in my State or in any of the sister States. But for the moment I shall become imbued with the spirit which inspires those who propose the pending bill, to go out and inform somebody else, to go into some other State and punish the peculiar crimes which happen in those States through the process of invoking the power of the Federal Government. In order to test the good faith of these good gentlemen who are so disturbed about crime, an amendment will be offered at a later time which will seek to bring this terrible crime of racketeering within the purview and the provisions of the pending measure.

What is racketeering? For the information of some of my colleagues from Southern States who are not familiar with racketeering, and who might think from hearing the term that it was some kind of a game that was played with rackets and a ball, I will go to the report of the Illinois crime survey for a brief explanation of what constitutes racketeering. I know personally but one or two of the gentlemen who are members of the Illinois Association for Criminal Justice, who are members of the organization responsible for the Illinois crime survey. I will read a list of some of the officers. Perhaps one of the Senators from Illinois or the adjoining States have heard of them.

Mr. Rush C. Butler, of Chicago, is the president. Mr. Walter A. Rosenfield, of Rock Island, is a vice president. Mr. E. E. Crabtree, of Jacksonville, is a vice president. Mr. M. A. Graettinger, of Chicago, is the secretary. Mr. Earle H. Reynolds, of Chicago, is the treasurer. Then follows a list of some 150 or 200 names of directors of the organization.

I notice on the survey committee, which actually made the survey, the names of Mr. Amos C. Miller, chairman; Mr. John S. Miller, vice chairman; and a long list of other names, among them Mr. Sewell E. Avery, Mr. Matthew Woll, Mr. F. W. Woodruff, and others who were interested in conducting this survey of crime in the State of Illinois.

I make this statement because I do not want to assume responsibility for the many very startling facts which are disclosed by this survey. Later on, when we come to a consideration of the amendments which will be offered, it will perhaps be necessary for me to read part if not all of this book to the Members of the Senate in order to inform them of the nature of some of the crimes the amendments will seek to reach.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield.

Mr. LEWIS. I answer the suggested interrogatory of the able Senator from Georgia by saying that I know all of the officials and the members of the association to which he alludes. They are very high-class citizens. Many of the officials are well known to me. They are leading lawyers of the bar, and because of the very great work they did, which resulted in the complete control of that heinous offense referred to in the communication, I deem it wholly unnecessary to retain in the bill the provisions which I have moved to strike out by amendment. But the able Senator from Georgia may rest assured that the names referred to are of respected citizens whose recommendations can be treated as entitled to consideration.

Mr. RUSSELL. I am delighted to have the Senator from Illinois bear witness to the character of these gentlemen I have named. I was not able to do so because I did not know them personally. I am glad to have their credibility established by so eminent authority as the Senator from Illinois.

Mr. LOGAN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I gladly yield.

Mr. LOGAN. I have been interested in what the Senator has been saying about gangsters and racketeers. We have no lynchings in Kentucky; therefore the bill does not affect us. We have no gangsters; consequently the amendment will not affect us in that respect. Nor do we have any racketeers.

But I warn the Senator from Tennessee and the Senator from Georgia, as well as the Senator from Illinois, that when they are considering amendments of this nature they would better stay off feudists. We do not want them included. [Laughter.]

Mr. RUSSELL. Mr. President, I wish to congratulate the Senator from Kentucky upon his frankness. May that spirit continue to increase and grow until it finally pervades this Chamber, and then perhaps we may be able to get someone who is in favor of the bill to speak for it, explain its terms, and attempt to defend its constitutionality. If the same frankness shall inspire them that inspires the able Senator from Kentucky, we may be able to get this measure out of the way and proceed to transact business which is important to all the people of the United States.

Mr. LOGAN. Does not the Senator believe it is a little bit unfair to chide those who sponsor the bill for not explaining it, when, so far as I have been able to observe, those who oppose the bill have had the right-of-way all the time, and have occupied the floor all the time? No one has had opportunity to explain it.

Mr. RUSSELL. Mr. President, I doubt that the statement of the Senator from Kentucky is quite as fair as the one he made a few moments ago, because it is an unbroken rule of the Senate which has been handed down from the first bill that was ever presented to the Senate of the United States, that when a measure is presented in this body for its consideration the authors of the measure have the right-of-way to explain the measure. I am sure that any Senator who has ever presided over this body, in the seat now occupied by the distinguished President pro tempore of the Senate, always looks first to the Senator who is the author of a bill to explain its terms and provisions.

Mr. LEWIS. Mr. President, will the Senator from Georgia yield further?

Mr. RUSSELL. I am glad to yield.

Mr. LEWIS. I am not able to say that I wholly understand the application of the word "feudists" as suggested by the eminent Senator from Kentucky. But to the able Senator from Georgia, who referred to racketeers, thinking possibly the innocent people in his beloved State may assume racketeering to be a little game conducted by some form of ball and racket, I suggest that racketeering is not a ping-pong game.

Mr. RUSSELL. It is, to one extent. It is played with an instrument which shoots "ping" and goes "pong" on the opposing competitor in the racket, and so eliminates him.

I will further enlighten the Senator from Illinois in regard to the distinction between feudists and gangsters and lynchings. The difference between the three is this: When three or four people get together and shoot another in Kentucky it is called a feud killing. When seven or eight of the constituents of the Senator from Illinois band themselves together and go out and get machine guns and bombs, which latter, I believe, in provincial verbiage are called "pine-apples," and go out and shoot down four or five of their enemies in gangs, that is called a gang killing. When seven or eight people band themselves together in the Southern States and go out and shoot or hang some person charged with crime, that is called a lynching. That is the difference between the three, which the Senator from Illinois said he could not altogether understand.

The principle difference is that of the three the gang killings are showing the greatest increase. We do not have the statistics as to feuds, which perhaps can be supplied by the Senator from Kentucky; but lynchings have almost been eliminated. When murders of this type come to be considered in the Congress of the United States, however, the Congress is only willing to invade the South and attempt to deal with the crimes referred to as lynchings, which are fewest in number among these crimes. I hope that will make the matter clear to the Senator from Illinois.

Mr. LOGAN. Mr. President, I do not like to have our feudists mixed up with gangsters and racketeers or lynchings. Our feudists are perfectly honorable, upright men

[laughter], and they never kill a man without a reasonable and just cause for doing so. That is the difference.

Mr. LEWIS. Mr. President, I desire to say to the Senator from Georgia, in view of his kind allusion and his having offered an explanation as to these three elements or gradations of method which he feels might make the matter clear to my understanding, that so innocent have I been of any association with any of these offenses, or understanding of them, that naturally I am wholly innocent of all the means of accomplishing them.

Mr. RUSSELL. I am sure that the Senator from Illinois is wholly innocent, because he stated on the floor of the Senate a few days ago that the officers in his State were dealing with these crimes and had always been dealing with them, in the face of the report to which I shall refer in a few moments.

Mr. McKELLAR. Mr. President, has the Senator any statistics from the book he holds in his hand which will show that the States have ever punished these gangsters for killing their fellow gangsters or others? As I recall the statistics—and I have them somewhere and will submit them later—they show that in practically all cases no true bill is ever found, but that the prosecuting attorney appears and nolle proseques the case. Practically none of the criminals are punished for these gang killings. I refer especially, because I have looked the matter up, to the State from which my beloved friend the Senator from Illinois comes. I have read the statistics, and I shall submit them a little later for his special benefit and for the benefit of other Senators.

Mr. LEWIS. Mr. President, I am compelled to say that my able friend from Tennessee has been greatly misinformed if he has come to the conclusion which he has expressed. There have been one or two instances where the killings have not been successfully followed up, on account of lack of evidence or lack of complete investigation, but the Senator will find that in most instances there have not only been prosecutions but convictions and executions in the State of Illinois for the offenses he has described.

There was one particular matter referred to by the Senator from Idaho in the discussion between us touching some matter of a newspaperman and some killings which followed, which is the case my able friend is justified in saying has not yet been settled and the offender punished. The matter is still under investigation.

Mr. RUSSELL. Mr. President, there seems to be some little difference between the report of the Illinois crime survey and the statement just made by the Senator from Illinois. However, I know that the Senator from Illinois has information of the facts of which he speaks which he will reveal later.

Mr. LEWIS. Will the Senator from Georgia call attention to the date of this report?

Mr. RUSSELL. Yes; it is for the years 1926 and 1927. I have also other statistics which I will insert in the Record at a later time, if I have not already done so, for as recent a date as 1936. But in the city of Chicago and the county of Cook, according to this report, in the years 1900 to 1926, there were 760 murders known to the police in the one county and in the one city.

The Senator from Illinois [Mr. LEWIS] refers to the punishment. This report shows that in connection with those 760 murders for the 2 years 1926-27 the death sentence was imposed in only 9 cases.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. In the year 1927, according to the report of the Illinois Crime Commission—and I am afraid my distinguished and eloquent and learned friend from Illinois has not kept up with what has transpired in his city—appears this statement which I read:

The fact that there was only one death sentence pronounced in 1927, and it was appealed from, indicates that there will be few death sentences executed in 1928. In 1910 and 1911 no persons were hanged in this county. In 1912 there were 5; in 1913-14, none; in 1915, 1; in 1916 and 1917, none; in 1918, 4; in 1919, 3; in 1920, 8; in 1921, 10; in 1922, 1; in 1923, 1; in 1924, 2; and in 1925, 3.

In all those years, according to the record, there were several hundred murders committed in that county and only a few of the murderers were punished. Not long ago moving pictures were shown in Washington indicating that officers of the law in Cook County ruthlessly shot down many persons in a labor trouble out there, and no attempt has ever been made to punish a single one of them.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRNES. While the charges are made that laws are not enforced in the States of the South, this morning's newspaper carries an Associated Press story I desire to read, and I ask the Senator from Georgia [Mr. RUSSELL] if it is not indicative of the attitude of the officers of the law throughout the South. This story is from Greensboro, Ala., January 11, 1938:

GREENSBORO, ALA., January 11.—Sheriff Calvin Hollis said probable mob violence was balked here today when a few officers held at bay a mob of about 250 men while a colored man was taken from his home and hurried to jail at Selma.

Sheriff Hollis said the mob formed while officers were going to the home of Lee Jones, 31-year-old veneer mill worker, to arrest him in connection with an abortive attack on Mrs. Robert Knox Greene, prominent West Alabama matron.

Some of the deputies met the advancing mob about a block from the Jones house, Sheriff Hollis said, and held the muttering men at bay there while Jones was rushed out a rear door and hurried 60 miles to Selma, where he was booked on charges of attempted kidnaping.

Mrs. Greene was recovering today from contusions received when a colored man choked her last Saturday night. She is the wife of a former Resettlement Administration executive.

Sheriff Hollis said a colored man accosted Mrs. Greene just after she had left the home of friends. He said she was forced at pistol point to drive her automobile behind the Greensboro School. Her screams frightened the attacker away after he had choked her, the sheriff said.

Today in Alabama, as in every other State of the South, though the passions of men were aroused, courageous officers of the law held the mob at bay, took the prisoner and carried him to Selma for safekeeping. When officers of the law respond to their duty in that way, they are by this legislation sought to be humiliated and charged with failure to perform their duty.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LEWIS. I may say that the Senator from South Carolina was on his feet and I could not reply to the query of my friend the Senator from Tennessee [Mr. McKELLAR]. I must again inform the able Senator from Tennessee that allusions to what is said to have occurred in Chicago have been made by directly opposing evidence which is now before the same committee which made the first examination, known as the Civil Liberties Committee. The result of that investigation I do not now know. Matters of 10 or 12 years ago to which my friend alludes may have in some instances occurred as he indicates, but under the present government of the State of Illinois under Governor Horner and of the city of Chicago under Mayor Kelley and the peace officers of the State of Illinois and the city of Chicago a complete change from all of those events has transpired. In the great city and its surroundings, having a population of nearly 5,000,000 people, of course, there have been conditions we greatly regret, but nothing of the kind such as my able friend the Senator from Tennessee is inclined to believe from the reports has occurred.

Mr. RUSSELL. Mr. President, I wish to point out that in view of that statement I am quite sure that the Senator from Illinois will join the Senator from Tennessee in the proposed amendment to clarify the status of gang killings as related to this bill.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. I call the attention of the Senator from Illinois to a fact, and I ask him a question. I think every Senator saw the moving picture of the riot in which a number of police officers of the city of Chicago took part last spring, if I remember correctly as to the time. I wish to ask

the Senator from Illinois a question. Those moving pictures show that there was really an unprovoked attack upon the members constituting what was called a crowd—it might be called a mob or it might be called a crowd of people. Police officers were seen in this moving picture deliberately shooting down unoffending citizens, citizens who were innocent of anything except being present. Have the authorities in the city of Chicago or in the county of Cook or in the State of Illinois prosecuted a single person who did the shooting?

Mr. LEWIS. Mr. President, I am permitted to answer the Senator from Tennessee by the kindness of the Senator from Georgia. I will have the Senate understand that I was here in the Senate with my distinguished colleagues performing our duties at the time the incident referred to took place. I know nothing of the facts, but I have heard the report such as my able friend says did issue. Subsequently, however, the record disclosed that photographs were sent here to the committee which disclosed just the opposite and directly to the contrary of the photographs that the Senator from Tennessee alludes to. But this much let him understand. The grand jury of the county of Cook was summoned, and investigation of the whole subject was taken under the supervision of the State attorney's office. Some parts of the investigation I know are still continuing. But I will agree with my able friend that a distinguished leader of the labor forces, Mr. John L. Lewis, made the charge such as my friend makes here, but it is asserted in my city that the charge was without foundation, and the examination by the grand jury indicates that there was not evidence to justify the charge.

Mr. McKELLAR. Mr. President, is not that the invariable rule in Cook County? Is it not the invariable rule there that when murders are committed, when these gangsters get on the rampage, that some kind of an examination is held or a grand jury is empaneled, and no true bill is filed? I have the statistics with reference to that, which I will not take the time to read now.

Mr. LEWIS. Mr. President, I answer the Senator—

Mr. McKELLAR. Just a moment.

Mr. LEWIS. The Senator has asked me a question.

Mr. McKELLAR. The statistics show that no true bill is being found in these cases. I go back to 1927, when there were 380 murders, and 74 of them were gangster murders. Only one single prisoner has since been punished in connection with all those 380 murders. I think it comes with ill grace from a Senator to rise on the floor of the Senate and urge the passage of a bill dealing with eight lynchings in the southern part of the country, when he represents in part a State or a county where 380 human lives were taken, and 74 of them by gangsters, and only one of those who committed the crimes has been punished, or even attempted to be punished.

Mr. LEWIS. I answer the Senator from Tennessee. The Senator asked me if it is not the invariable rule that these investigations in my part of the country, my home, my State, and my city are undertaken with the result always of complete failure of justice? My reply is just to the contrary. The invariable rule in my community is one of peace and order and complete lawfulness on the part of the investigating bodies, save those occasional instances which everyone knows will arise in every community when a certain form of testimony necessary may elude the investigators.

This much I ask my able friend from Tennessee, hoping that this will not move into ill-feelings. Does my friend advocate that because of these killings, if these reports in the newspapers be true, that those who commit these crimes shall be lynched?

Mr. McKELLAR. Oh, no! The Senator knows that I am not in favor of lynching. I am not in favor of violence or of murder. No one knows that better than the Senator from Illinois. I am as much opposed to it as any man in the Senate. But I say that the Senator from Illinois will find in his own State a record, in 1927, of 74 gangster killings, which is just another way of expressing the word "lynching"—of gangster lynchings, 74 of them, and not one of those who were guilty was prosecuted. In no case has there been a

true bill found. The grand jury has protected persons of this class just as they are being protected in this very bill. I say it comes with ill grace to talk about lawlessness in other States when the Senator from Illinois has such a horrible condition of crime in his own State.

I wish to read from the report of the Illinois Crime Commission. The Senator from Illinois is evidently not familiar with the facts.

Of the 10 cases of gang murders out of 37 in the city—

And that is in the Senator's own city—

Of the 10 cases of gang murders out of 37 in the city in 1927, in 1 case 4 persons were charged; 1 of whom was tried and acquitted, 2 stricken from the docket by the State's attorney, and 1 discharged in the preliminary hearing. In another, 2 principals were charged and both cases nol-prossed.

Both cases nol-prossed, Mr. President.

In another case one person was named and discharged in the preliminary hearing.

Of course, all of us know what these things mean.

In another, two persons were named as accessories, the cases against both of whom were no-billed in the grand jury.

No-billed! Just as in the case of these peace officers who shot down the members of that crowd on that fatal Sunday, I believe it was, in Chicago last spring. I do not think they even went before the grand jury in that case.

In another, two persons were named as accessories, the cases against both of whom were no-billed in the grand jury. In another case one person was named and discharged in the preliminary hearing. In another case one person was charged, was tried, and acquitted. In another, two persons were named, tried, and acquitted. In another, three were named, two of whom were tried and acquitted, and the case against the other no-billed by the grand jury. In another, six persons were named, two of whom were discharged in the preliminary hearing, while the other cases were stricken from the docket by the State's attorney. In the final case one person was named and was discharged in the preliminary hearing.

If that is the administration of law in the State of Illinois, and that is the record—

Mr. RUSSELL. What was the percentage of punishment?

Mr. McKELLAR. The percentage of punishment was nil. There was not a single person punished.

Mr. RUSSELL. Law enforcement broke down 100 percent as applied to gangsters.

Mr. McKELLAR. Law enforcement broke down 100 percent in connection with gang killings in the State of Illinois. Yet we find both the Senators from Illinois favoring this bill. They are trying to take the mote out of their brother's eye, but they are absolutely blind to the beam that is in their own eye.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I will yield in view of the fact that certain statements have been made about the State of Illinois, but I should like to go ahead and conclude my brief remarks.

Mr. DIETERICH. Of course, these statements made on the floor of the Senate are not correct. There has been no such condition existing in the State of Illinois or the city of Chicago.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DIETERICH. No, Mr. President; I am taking the time of the Senator from Georgia. It is true that we have had a crime condition in the city of Chicago the same as has been had in any other large city. It is true that the criminals are organized in a way so it is difficult for the officers to detect those who commit the crimes, because the crimes are usually committed under the cloak of night, they are usually committed in places where there is not sufficient protection. That is unfortunate. But when a reflection is made upon the officers of my State who are charged with the enforcement of law that these things are being done and being permitted to be done on account of laxity in enforcing the law by grand juries and prosecuting officers, I say that is untrue. I say that no Senator should be so inaccurate as to make that charge.

Mr. McKELLAR. I was reading from the record; the Senator is merely talking.

Mr. DIETERICH. May I ask from what record the Senator was reading?

Mr. McKELLAR. I was reading from the record of the Illinois crime survey in the Senator's own State.

Mr. DIETERICH. And Illinois had such an interest in the matter that she appointed a commission and made a crime survey.

Mr. McKELLAR. I am glad of that.

Mr. DIETERICH. Illinois did everything she could, and, by the way, since the Democratic administration has taken charge of affairs in Illinois the crime condition is rapidly disappearing.

Mr. McKELLAR. Does the Senator think that is the reason why we ought not to include gangsters in the bill?

Mr. DIETERICH. There is not any disposition not to include gangsters in this bill. The only reason the amendment was placed in the bill was as I explained the other day. If Senators are so afraid that the constitutional right to kill colored people be taken away from them, if they are so terribly afraid of that, let them listen to the explanation. This bill is materially different from the first bill that was presented. The first bill presented made a killing prima facie evidence that the protection guaranteed under the Constitution had not been given to the victim, and all the proof that was necessary was the killing, and then the county in which it took place was responsible to the representatives of the person killed in an amount of \$10,000. No defense could be offered. This bill permits a defense. Any time it can be shown that protection has been accorded and diligence has been used and an attempt made to prevent the killing, it is an absolute defense to a suit of that kind. The former bill did not contain any such provision.

We are not protecting any racketeers or criminals in Illinois, not in any sense of the word; and whenever that charge is hurled at the Senators representing the State of Illinois on the floor of this House it is unfair, and a person of average intelligence should know that it is untrue. I say that in defense of the citizenship and the law-enforcement officers of Illinois. If this debate is going to proceed upon that scale, and people are going to be intimidated and threatened with being disfranchised from ever holding judicial or elective office, it evidences a mistaken spirit.

Mr. RUSSELL. Mr. President, I have been glad to yield to the Senator from Illinois, but if he is going to discuss matters far removed from any discussion I contemplated I should like to proceed.

Mr. DIETERICH. I was going back and tell you something about the Civil War. You have been waving the bloody shirt ever since this matter came up.

Mr. RUSSELL. I brand as being wholly unwarranted by the facts and absolutely untrue the statement that I have waved any bloody shirt here. The Senator from Illinois is getting up here with great heat and choler impugning the motives of other Members of the Senate merely because we are reading from a report of citizens of his own community, people of Chicago themselves, indicting themselves. We cannot read the statements of his constituents here on the floor of the Senate unless the Senator from Illinois takes the floor and makes statements that are unworthy of a Member of this body.

O Mr. President, the Senator from Illinois, in a fine spirit of Christian charity and fairness rises and says he resents the imputations that are cast on the peace officers of Chicago, and yet he would not permit us to resent the imputations that are cast on the peace officers of the South who have done far more to stamp out the crime of lynching than has ever been accomplished by the State of Illinois in dealing with gang killings. That is the same fine spirit of Christian charity and fairness that has characterized the Members who present this bill to us.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes; I yield.

Mr. DIETERICH. I am not charging the South, I am not charging the citizens of the Southern States with not being concerned about the situation. I think that the gen-

eral citizenship down there is concerned about it. I think that they probably are making some progress in correcting the evil. This bill does not interfere with that progress at all. This bill only proposes to take hold when local authorities fail, and it will not obstruct the progress of the South one particle.

I am willing to have gangsters placed in this bill so that if, for any reason, law enforcement should fail in Illinois, the Federal Government could take hold. That is all the bill does. There is not anything to this bill except provision that when the local authorities are absolutely not diligent in performing their duty there may be some way to compel them to do that. That is all this bill does.

I do not know why there should be all this imagination and such disturbance about it; I cannot understand what the disturbance is. There is no use dragging Illinois into it; there is no use maligning us. We believe in the Constitution; we have always believed in the Constitution. We had not believed that it was a loose pact that could be forgotten by the States at any time they wanted to forget it. We respect it as the basic law of the land.

Mr. REYNOLDS and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER [Mr. SCHWARTZ in the chair]. Does the Senator from Georgia yield and, if so, to whom?

Mr. RUSSELL. In just a moment I will be glad to yield to both Senators. I wish to say, first, that the statement just made by the Senator from Illinois manifests as clearly as possible the unfairness of this measure and the spirit that is behind it. Who was it that in this debate got "hot under the collar" and almost had an attack of apoplexy and dragged in the "bloody shirt" and started waving it? It was the Senator from Illinois. Who was it that resented bitterly what he referred to as implications that the peace officers of his community were unworthy, but who would refuse that right to Senators of other States whose people are the equal of any and the peer of most? The Senator from Illinois.

What I have been debating is the fact that if the Federal Government is seeking to invade the States and see that all criminal statutes are enforced, it is unfair, as I stated a moment ago, if not downright cowardice, to select one crime that is all but extinguished in one section of the United States without attempting to deal with crime in all its phases. The Senator from Illinois talks about reflections on the State of Illinois. I ask unanimous consent, Mr. President, to have printed in the RECORD the names of the officers and directors of the Illinois Crime Association for Criminal Justice, and those who conducted the Illinois crime survey whose findings I was preparing to read and which were referred to by the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, the names will be printed in the RECORD.

The names referred to are as follows:

#### THE ILLINOIS ASSOCIATION FOR CRIMINAL JUSTICE

Officers: Rush C. Butler, Chicago, president; Walter A. Rosenfield, Rock Island, vice president; E. E. Crabtree, Jacksonville, vice president; M. A. Graettinger, Chicago, secretary; Earle H. Reynolds, Chicago, treasurer.

Directors: Richard Abrams, Sewell L. Avery, James G. Alexander, Frank D. Barton, Charles W. Boyden, William C. Boyden, Andrew A. Bruce, Rush C. Butler, Miss Jessie Binford, Claude G. Burnham, Bruce A. Campbell, James H. Cowley, E. E. Crabtree, Henry P. Crowell, Walter F. Dodd, Thomas R. Donnelly, Simeon W. Dixon, Fletcher M. Durbin, E. A. Eckert, D. B. Ellis, David Feimly, Charles K. Foster, Eugene Funk, James B. Forgan, Edward E. Gore, C. V. Gregory, M. A. Graettinger, O. Gullicksen, Elwood G. Godman, Albert J. Harno, John Harrison, E. W. Hinton, Bishop E. H. Hughes, Joel D. Hunter, W. E. Howe, Harry Eugene Kelly, W. V. Kelley, David Kinley, Charles W. Laporte, Dr. F. Emory Lyon, Max Mason, Amos C. Miller, John S. Miller, John R. Montgomery, Robert C. Moore, Mrs. J. W. Morrison, James B. McDougal, Miss Agnes Nestor, Frank T. O'Hair, John W. O'Leary, James A. Patten, George W. Perkins, Earle H. Reynolds, Walter A. Rosenfield, Julius Rosenwald, Joseph T. Ryerson, Howard P. Savage, Frederick H. Scott, Walter Dill Scott, Frederic Seidenburg, Charles Ward Seabury, Mrs. W. W. Seymour, Edward M. Skinner, Harold H. Swift, George E. Scott, C. W. Terry, Cairo A. Trimble, Willoughby G. Walling, Robert K. Welsh, Frank O. Wetmore, Dr. Eva M. Wilson, George H. Wilson, Frank H. Warren, Frank F. Winans, Matthew Woll, Walter Wood, F. W. Woodruff.

The Illinois Crime Survey Committee: Amos C. Miller, chairman; John S. Miller, vice chairman; Sewell L. Avery; Charles W. Boyden; Andrew A. Bruce; Simeon W. Dixon; Walter F. Dodd; Gustave F. Fischer; Albert J. Harno; Logan Hay; E. W. Hinton; Charles R. Napier; George A. Paddock; Lawrence Williams; Matthew Woll; F. W. Woodruff.

Survey staff: Arthur V. Lashly, St. Louis, director of survey; W. C. Jamison, Chicago, assistant director of survey; Raymond Moley, New York, consultant; C. W. Gehlke, Cleveland, statistician.

Executive committee: Rush C. Butler, chairman; M. A. Graettinger, secretary; Sewell Avery; Jessie Binford, E. E. Crabtree; Henry P. Crowell; Amos C. Miller; John S. Miller; John R. Montgomery; Earle H. Reynolds; Walter A. Rosenfield; Julius Rosenwald; Joseph T. Ryerson; Charles Ward Seabury.

Legislative committee: D. B. Ellis, chairman; Jessie Binford; Bruce A. Campbell; E. E. Crabtree; Simeon W. Dixon; E. A. Eckert; David Felmy; M. A. Graettinger; C. V. Gregory; Harry Eugene Kelly; Charles W. LaPorte; Mrs. J. W. Morrison; Walter A. Rosenfield; Joseph T. Ryerson; C. W. Terry; Robert K. Welsh.

Revision committee: Amos C. Miller, chairman; John S. Miller, vice chairman; Sewell L. Avery; Charles W. Boyden; Andrew A. Bruce; E. W. Burgess; Simeon W. Dixon; Walter F. Dodd; Gustave F. Fischer; Albert J. Harno; Logan Hay; E. W. Hinton; John R. Montgomery; Charles R. Napier; George A. Paddock; John H. Wigmore; Lawrence Williams; Matthew Woll; F. W. Woodruff.

Budget committee: Joseph T. Ryerson, chairman; Earle H. Reynolds; Charles Ward Seabury.

Mr. RUSSELL. The names of those who are responsible for the statements that have been made here will appear in the Record, and I assume, from the fact they were conducting this survey in the State of Illinois, that they were citizens of that State, and the senior Senator from Illinois said they were eminent and distinguished citizens of that State. If the Senator thinks it is slander on the State of Illinois to recite what the citizens of that State say about conditions within their own State, how must we of the South feel to have the malicious and false stories told and repeated and iterated, while you are trying to have the stamp of approval of the Federal Government put on them, that the people of the South are barbarians, that they are incapable of dealing with their own local matters, and that they are so cruel and lawless it is necessary for the Federal Government to step in and clean up the situation, when we have put in the Record figures and statistics which show that we have all but eliminated the only form of crime or felony against which the pending bill is directed? That has been almost wiped out.

If the Senator from Illinois feels that his State has been reflected upon, it has been reflected upon by those whose names will appear in tomorrow's Record. I shall not sit silently here and have my people unjustly attacked. I shall fight fire with fire, but I shall stick to the facts. They are bad enough, using as witnesses the officials of the States to which I refer.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REYNOLDS. I am confident it will be refreshing for Members of the Senate to learn that North Carolina has not been bothered by any crime wave. North Carolinians are all law-abiding citizens, regardless of whether they are white or colored. In this connection, I may add that we do not have any lynchings in North Carolina. I have before me an editorial from one of our North Carolina daily newspapers. The editorial is headed "The Governor's Dozen." I should like to read The Governor's Dozen to the honorable Presiding Officer of this body and for the benefit of those Senators who are present who would like to be inspired to pattern affairs in their respective States after the State of North Carolina. This editorial, entitled "The Governor's Dozen," reads as follows:

#### THE GOVERNOR'S DOZEN

In a radio address to the people of North Carolina, Governor Hoey offers 12 points which he designates as "goods on hand," following a year's experience as the State's chief executive. The points are as follows:

1. A "healthy financial condition."
2. A road system which has received "full attention."
3. A "distinct" advance in prison supervision and care.
4. Operation of the social-security program "in all phases."
5. A new probation system.
6. "Increased attention" to public health.
7. "Splendid results" from the State advertising campaign.
8. A "steady development of efficiency" in each State department.
9. Absence of any lynching last year.

10. "Many advanced steps" in education.

11. A "reasonably prosperous" 1937.

12. A 1937 legislative session with a record "unparalleled."

Mr. President, with the further indulgence of my good friend and honored colleague from my sister State of Georgia, I should like to bring to the attention of this body a clipping from the Roanoke Rapids Herald, of Roanoke Rapids, N. C., published by a very distinguished gentleman who has been residing there for a number of years, Col. Carroll Wilson. This clipping is headed "North Carolina Has Named New Roads After Famous Negroes," and reads as follows:

RALEIGH, N. C., January 6.—The names of three famous North Carolina Negroes were memorialized this week when three new roads cut through the Tillery area of the Roanoke farms settlement project in Halifax County were named Silver Lane, Merrick Road, and Inborden Drive.

The roads will serve the colored farmers who occupy that section of the project, and according to George S. Mitchell, regional director of the Farm Security Administration, the new highways will honor "Negro citizens whose useful careers should serve as examples to residents of this new community."

The Tillery area of the Roanoke farms project is for 125 colored families and located on the Roanoke River, just south of Halifax. The farms average about 60 acres each and houses and barns have been completed on 50 of the farm units, which are now occupied. Each of the men for whom the roads were named has won lasting fame in his chosen field of endeavor and been outstanding in promoting the best interests of his race throughout the State.

#### SILVER LANE FOR PASTOR

Silver Lane is named for Joseph Silver, 81-year-old minister and agricultural leader, who about 35 years ago headed a group of eight Negroes who bought a 2,000-acre tract of land in western Halifax on credit, divided it into farms, paid for it, and have made good independent livings in the farm community.

Merrick Road honors the late John Merrick, who rose from hod carrier and barber to become president of the North Carolina Mutual Insurance Co., in Durham. He has often been called the best known member of his race in the State.

#### FOR DR. INBORDEN

Inborden Drive is named in honor of T. S. Inborden, founder of, and for many years a teacher at Bricks School for Negroes, near Tillery. He is now principal of the school which now is State supported. For a number of years, however, Dr. Inborden and his associates operated it as a vocational training school and trained thousands of colored boys and girls to become blacksmiths, carpenters, mechanics, homemakers, and farmers. Some of Brick's former students later became noted teachers, dentists, physicians, and lawyers.

And they are now engaged in the practice of their respective chosen professions throughout the State of North Carolina.

In making mention of these men, Mr. President, I should not like to take my seat until I mention Dr. James E. Shepherd, one of the noted educators of the world, a colored man of North Carolina who today heads as president one of the greatest colored institutions in America, the North Carolina College for Negroes, located at Durham, N. C., and considered by the leading people of the white race in North Carolina to be one of the most eminent educators of his race in America. In addition, I mention a man who is said to be one of the finest surgeons in the South, looked up to by white physicians, Dr. Miller, of Asheville, N. C., my home.

I thank the able Senator from Georgia for permitting me to mention these eminent North Carolinians of the colored race.

Mr. McKELLAR. Mr. President, will the Senator yield to me in order to make the Record perfectly clear?

Mr. RUSSELL. I yield to the Senator from Tennessee.

Mr. McKELLAR. The junior Senator from Illinois [Mr. DIETERICH] challenged the statement I made. The Senator from Georgia replied that it came from citizens of Illinois. Not only was that true but it came from officials of Illinois, from members of the Crime Commission of Illinois. Crime had become so rampant in that State that the State legislature enacted a law providing for the creation of a crime commission, which was appointed; and it is the report of that commission which the Senator challenges, for it is that report from which I have read. According to it, 380 murders were committed there in 1 year and only 1 was punished. The cases of the other murderers who were even arrested were either nolle prossed or dismissed by the prosecuting attorney, or the trial of the cases did not result in conviction.

The Senator from Illinois further says that there has been no effort here to except from the bill or exonerate gangsters and racketeers. I challenge that statement, and I read from the bill itself. The bill comes here from a committee of which I recall that one of the Senators from Illinois is a member. Here is what the bill says. After setting out what lynching is I read from page 7 of the bill, from lines 9 to 16:

*Provided, however—*

This is the bill itself, which comes here with the approval of the Committee on the Judiciary—

*Provided, however, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers nor violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932.*

So, Mr. President, the trouble with both of the distinguished Senators from Illinois is that they are not familiar with crimes in their own State; or, if they are, they are not looking at the beams in their own eyes but are watching for moles in the eyes of people of other States, because it is specifically provided by the bill that these racketeer murders are excepted from the bill. While there is pending a motion to strike out that provision made by my distinguished and beloved friend the senior Senator from Illinois [Mr. LEWIS], it never would have been stricken out but for this fight. If the original plan had been carried through, that provision would have remained in the bill, and thereby the gangsters and racketeers of Illinois and New York and other States where great aggregations of persons come together in cities and towns would have been excepted from the provisions of the bill. The purpose was to except them.

There were two purposes in this bill. One was to make an unfair and unjust attack upon one section of the country for political purposes. The other was in the hope of getting colored votes in elections yet to come. I digress here long enough to say that all it is necessary to do is to look at the records of this body, and it will be found that those who heretofore have so stoutly taken the position that they were hunting for colored votes in Northern States are no longer Members of this body; and I think some of our friends who at present are Members of it ought to be warned by that fact.

Mr. LEWIS. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I am glad to yield to my courtly and beloved friend the senior Senator from Illinois.

Mr. LEWIS. Not intentionally intruding upon the Senator from Georgia, who has been very generous in his constant yields to the dialog which has been carried on between the able Senator from Tennessee and my colleague [Mr. DIETERICH], I rise at this moment, as a concluding observation of the dialog so far as I am concerned, to say that the Senator from Tennessee, ever artful and ever able, yet failed to catch what my colleague, the junior Senator from Illinois, meant to convey. I deplore the statement that there was such a disposition on the part of my colleague that the able Senator from Georgia referred to him as having choler and bursting with great excitement of blood in his head. I am sure he has in his head something in the form of brains other than blood, but what I want my able friend from Tennessee to gather is this:

My colleague, the junior Senator from Illinois, meant to say that which I thought I had previously conveyed. Whatever may have been the condition some 10 or 13 years ago, to which my friend correctly alluded—I fear the reports are inaccurate, though I think the general statement that there were offenses in those days cannot be denied—under the administration of the State by the present Governor of Illinois, Governor Horner, and his officers, and under the administration of the city of Chicago by Mayor Kelly and his officers, much of this condition has altogether been corrected; a great deal of it, sir, so far as wrongs are concerned, has been wholly wiped out; and conditions in the State of Illinois and the great city of Chicago are today the

equal of those in any of the great communities of our wonderful Republic.

Now, for a last word. What my colleague, the junior Senator from Illinois [Mr. DIETERICH] meant to convey to my able friend from Tennessee was this—

Mr. CONNALLY. Mr. President, if the Senator will permit an interruption, I was absent and did not hear the statement of the junior Senator from Illinois. I hope the senior Senator from Illinois will make a full and complete review of his statement.

Mr. LEWIS. No, Mr. President; but I understood that my colleague, a member of the Committee on the Judiciary, which reported this bill, having said the other day to my able friend from Texas [Mr. CONNALLY] and to the Senator from New York [Mr. WAGNER] that he was the author of the provision which asks to have excluded the matter of gangsters, and that it is not intended that gangsters be included under the bill, I say to my able friends from Tennessee that this is what he meant to convey:

Since in the skirmishes described these men kill each other, that should not be denominated "lynching," because if it came within the definition of lynching, or should be so construed, these marauders who kill each other in their enterprises would subject the counties of the State to which they may go, or to which they may flee, to immediate action for damages under this bill, upon the theory that their conduct as gangsters or as murderers could be charged to the counties in the name of lynching. The idea which my colleague sought to convey to the able Senator from Tennessee, as I gathered from him, was that the scheme was not to have that kind of conduct defined as lynching, because if so defined it would render counties that were perfectly innocent of the conduct of these persons, but to which they may have fled, subject to civil liability under the bill.

I simply wished to explain that matter to my able friend from Tennessee.

Mr. McKELLAR. Mr. President, will the Senator from Georgia yield to me to ask the Senator from Illinois a question?

Mr. RUSSELL. I yield for a brief question.

Mr. McKELLAR. I have already trespassed upon the time of the Senator from Georgia and I apologize to him.

The Senator from Illinois says it was not the purpose to excuse the racketeers and gangsters. I have offered an amendment to include gangsters and racketeers in the bill. Will the Senator from Illinois vote for it?

Mr. LEWIS. Mr. President, I answer that when the amendment of the able Senator comes appropriately before the body this particular Senator, using his best judgment, will take such course as the amendment deserves.

Mr. McKELLAR. It is now before the Senate. My substitute provides that killings by gangsters and racketeers shall be included in the term "lynching." The amendment is not to come before the Senate at some future time, but it is before the Senate at this very moment; and I call upon the Senator to answer, because it is a question that can be answered "yes" or "no." Will he vote for the amendment to include gangsters and racketeers in this antilynching bill?

Mr. LEWIS. I say to my eminent friend that any amendment or statement of his is so thoroughly involved in splendid ratiocinations and verbosity of logic, from his point of view, that it is impossible to answer "yes" or "no" to anything he may propose.

Mr. McKELLAR. If the Senator from Georgia will pardon me for just a moment, I will read the amendment.

Mr. RUSSELL. I yield for one further observation.

Mr. McKELLAR. My amendment is to strike out the ratiocinations and the vagaries and the use of language in which, in my judgment, the Senator from Illinois is more gifted than anybody else in this body. I am moving to strike it out and to insert this perfectly plain language, which any child can understand; and I ask the Senator from Illinois the direct question, Will he vote for it when it comes up?

The amendment reads:

*Provided, That the term "lynching" shall also be deemed to include any violence by members of a group of lawbreakers, such as are commonly designated as gangsters or racketeers, which results in the death or maiming of any person.*

The Senator from Illinois can understand that language. I ask him, Will he vote for it, or will he not?

Mr. LEWIS. The able Senator asks whether I will vote for the amendment when it comes up. I answer him, when it comes up, enlightened by the extreme intelligence and flashing genius of my able friend from Tennessee, I can then decide whether or not I will vote for the amendment.

Mr. McKELLAR. I construe the meaning of the Senator's roundabout language to be that the Senator is unwilling to commit himself now, and the chances are 100 to 1 that he will vote against the amendment when it comes up.

Mr. RUSSELL. Mr. President, the Senator from Tennessee and the Senator from Illinois seem to have some difficulty in understanding each other today, not only in regard to the amendment to which reference has been made, but because of the fact that both of them have seen different sets of moving pictures about the recent horrible incident in Illinois in which a large number of working people who were protesting against working conditions or wages were shot down by the police. I have not had the privilege of seeing either one of those sets of pictures, and therefore I do not know who struck the first blow, or who was responsible for that unfortunate occurrence, which we all regret.

Mr. President, there is an old saying that the galled jade winces.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIETERICH. I merely want to call the Senator's attention to the fact, while he is discussing this matter and discussing the crime conditions in the State of Illinois, that he is reading from a report that was published in 1927, 11 years ago. He is reading from a report of a commission that was to investigate the conditions of crime and make such recommendations as they could. That condition had existed from 1918 to 1926 by reason of the fact that the Congress, exercising its constitutional rights, duly respecting the sovereignty of the States, fastened upon us a prohibition act, and under that prohibition act crimes and rackets began to increase, rendezvous for criminals were established in all the populous communities of the United States, the criminal element became acquainted with itself, and for a long time baffled the officers of the law properly to enforce the law and protect the public against crimes these men were committing. I want the Senator to remember that when he is reading from this report of the Crime Commission.

Mr. RUSSELL. Mr. President, I have stated that the report was for 1926 and 1927. Yesterday I put into the RECORD figures as to the city of Chicago with reference to murder, not as to the whole State of Illinois, for the years 1936 and 1937, and they disclose that 464 murders were committed in the city of Chicago in the years 1936 and 1937. Some little diminution is shown, but I am getting up figures to show how well they enforce the law and punish crimes in that city.

As I have stated, an old saying is that the galled jade winces. I am now presenting the very fair proposition that if the Federal Government is to undertake to deal with crimes of violence, it is the duty of Senators to consider all crimes of violence, and not deal with just one which has almost been wiped out because forsooth it might make them a few votes when they are candidates for reelection. They ought to go into a study of crime in all its forms.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIETERICH. I certainly take exception to that statement. It is an unfair statement for the Senator to make on the floor of the Senate, to use such very emphatic language against me because I drew some conclusions, to say that those of us who might support the bill are doing so for votes.

I wonder what motivates those who are so opposed to the bill. I assume that they are taking a high-minded, very unpopular stand, in view of the fact that they see their duty clear as statesmen. Anyone who listens to the speeches which are made against this bill from our brethren knows they are made for home consumption and nothing else. They are not afraid of any law that is going to be passed. That is my opinion. I may be mistaken, but I do not think I am.

Mr. RUSSELL. I am not afraid that any measure like the one before us is going to be passed here in the next several days. Of course, we cannot tell what is going to happen in the future, but there is this much to be said for those who are opposed to the bill, that they will stand on the floor in their own right and state the reasons for their opposition, whereas we have to prod a Senator out of his seat who is for the bill in order to get him to express himself on any provision of it. When we get to reading the sordid story of crime in the great city of Chicago, then the Senator from Illinois rises in his place and displays great resentment that the city of Chicago, with all of its notorious rackets, with all of its heinous crimes, with all of its shocking murders, with its general disregard for law and order, should be mentioned on this floor. I tell those who are in favor of the bill who are so sensitive about their own crime-ridden cities and their own crime-infested States that they need not be here when I am addressing myself to this subject, for from time to time as this debate proceeds I propose to take up several other sections of the country to show many substantial reasons why the United States Congress should not commit itself to the indignity, should not make itself so ridiculous in the eyes of the world, as to attempt to legislate on only 8 out of the 12,000 murders which were committed in this country last year and let all other crimes continue unchecked.

Oh, these great guardians of law and order, these jealous defenders of their law-enforcement officers, are attempting to legislate against a crime that showed a ratio of 1 to 16,000,000 in the United States of America for 1936. One out of sixteen million was lynched in the year 1937, when we know that murder in all of its forms was rampant everywhere.

I take the position that it is as much the duty of the Congress to scrutinize the necessity for attempting to prohibit murder in the State of Illinois, or in the city of St. Louis, or in any other part of this Nation, as it is to attempt to pillory the Southern States before the bar of the world as being incapable of handling their own affairs, when the cold record of the facts, which Senators have not the courage to face, shows that we have handled our crime problems better than has any other part of the Nation and have gone further in stamping out the awful crime of lynching than any other section in this country has made progress in reducing the crimes in its community.

We will at least take the floor and state the reasons for our opposition to the bill. We do not run around and say we will speak later, or assume the attitude of the mob. Talk about the mob going out and overwhelming some individual, and how ruthless it is. Here we have these smug and self-complacent sponsors of the bill sitting back and saying, "Well, this organization which has been lobbying for this measure has gone around over the Nation, and they have, by talking about the various campaigns and campaign issues, gotten commitments out of 70 Senators to support this bill." They will not take the floor to defend it and one who has read it can understand their reluctance to discuss it.

Of course, the Senators had not read the bill. When some of them came here and read it, as I stated yesterday, it made them so sick to see what an unpalatable morsel they had agreed to swallow that they could not stay on the floor of the Senate and see the searchlight turned on the bill and hear an explanation of it or consider this awful crime problem of the United States in their own States or anywhere else except as it applies to the single, isolated, almost vanishing crime of murder by lynching. It is an astonishing state of affairs, it is an awful commentary on democratic

government, on our future hope to preserve a representative government in the trying years that are to come to see this condition prevailing in the Senate of the United States.

Mr. President, I had started discussing something about the crime of racketeering, and despite any intimidation by the bellowing and shouts of the junior Senator from Illinois or anyone else I propose to read what this report of the Illinois Crime Commission has to say about the crime of racketeering. This is an increasing crime. It is one that is weaving its nasty trail through nearly all of the great cities. It is not a crime that is being wiped out. This is a crime which, if the Congress has the power under the Constitution to consider crimes of this nature, it is certainly our duty to consider, and we are going to consider it and hear something about it whether anything is ever done about it or not.

Here is this report of the crime survey. I am somewhat amazed at the position of the Senators from Illinois. One of them says that he knows the estimable gentlemen who conducted the survey, but both of them say most vigorously that the facts as revealed by the survey are wholly in error, and have no substance or foundation in fact. I read:

The report of the survey on rackets, this latest phenomenon of organized crime of Chicago, must be of great interest because of the spread of racketeering to other cities.

So I say that the junior Senator from Illinois need not wear his feelings on his sleeve. The people of Illinois say that this crime has spread to other cities, and my investigation convinces me that it has spread to other cities. I am now endeavoring to get up facts and figures and statistics about the spread of this awful crime of racketeering. From time to time in the course of this discussion I will present those facts and figures on the floor, and perhaps some Senators who come in may be as amazed as the Senators from Illinois have been to find that while they were doing everything they could here in the National Congress, the racketeers, the criminals, and the murderers were destroying society back home. Of course these Senators were addressing themselves to national problems, and had not time to know of the awful, the unspeakable conditions which obtain in their cities. They have only time to consider the crime of lynching.

This is the way the racket operates:

The modus operandi is for the gangsters to approach the owner of a service business, mainly those employing drivers, with a proposal to organize a combination of owners of such business with a view to increasing prices. The gangsters at the same time undertake to get control of the drivers' organization. If any person thus approached refuses to come in, his place is bombed or he is otherwise threatened and intimidated until he does come in.

When control of the employers and the employees has been obtained, the racketeers then demand a subsidy in the form of dues, and the reports indicate that enormous sums of money have been taken in this way, reaching in some cases to hundreds of thousands of dollars per year. The public pays the bill in higher prices for the service.

A concrete illustration of the way it works. A man engaged in the dyeing and cleaning business refused to come in.

In other words, Mr. President, there was one man left who thought he was a free and independent citizen, and could operate his business in the city of Chicago without paying tribute to some group that was not recognized in the statutes of the State of Illinois as having the power to levy taxes.

Bombs were placed in the suits that went to his establishment—

They would place bombs in the suits sent to his establishment to be cleaned and pressed—

and they exploded when they were handled.

On one occasion the driver of a truck loaded with suits to be cleaned and pressed was knocked insensible, placed in the back of the truck, covered with clothing which was then saturated with gasoline and set on fire.

Upon another occasion the driver of one of the wagons was taken for a ride and a bullet put in each knee, thereby rendering him a cripple for life.

Instances of mayhem of this character could be multiplied.

Mr. President, those are not isolated cases. They are merely illustrations of cases that could be multiplied. This one rugged individualist in Illinois who would not come in and

pay this racket had been applying to the police and to the district attorney for protection. The report says:

When this man got tired of applying to the police and the State's attorney for protection he took the chief of the bootlegger gangsters into his company, giving them a large block of stock in the concern, and announced that he then had no further need of the employers' association or the police department, for he had the best protection in the world. This happened about 8 months ago. It is significant to note that recently the warfare against this man's business has again broken out, notwithstanding the best protection in the world. His gangster party is now engaged in a war with another gang.

It seems, Mr. President, that all the undeclared wars are not confined to China and Japan, nor to Italy and Ethiopia, because I did not see anything about a formal declaration of this war in the press.

It is significant to note that . . . his gangster party is now engaged in a war with another gang, and the property of the man who took the gangster in is now being attacked as an incident of this struggle. The genesis of this new manifestation of organized crime and its connection with the other activities is related in the chapter on Racketeering.

I may say, Mr. President, that the chapter on Racketeering is very long and most interesting. I shall forego the pleasure of reading it at this time, and shall defer reading it until we reach an imminent vote on certain amendments which will be offered to the bill to deal with this horrible, this disgraceful, this outrageous crime of racketeering, which is occurring in the city of Chicago, and is spreading to all the other great metropolitan cities of the Nation.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIETERICH. I again call the Senator's attention to the fact that the organized crime which existed in the populous sections of the North, which had for its main support the sale of liquor in violation of the law, was made possible by reason of the fact that the Representatives from the States of the South passed a prohibition law in violation of all their argument with respect to the sovereignty of the States to deal with their own local affairs.

Mr. RUSSELL. I point out to the Senator from Illinois that prohibition was unenforceable because it followed the very idea and philosophy of this bill; that is, of attempting to go into the local communities and tell the people of those communities what they should or should not do, with regard to their State laws. I am glad that the Senator from Illinois made that statement about prohibition. He has referred to it again.

Mr. President, those of us who are opposed to this bill have been here debating it day after day. Though the proponents of the bill claim that this legislation has 70 votes, not a single Member of the Senate has taken the floor in his own right to explain the provisions of the bill. Not a single Member of the Senate has stood up here and with that explanation discussed the motives that were back of his support of the bill. Finally it leaks out from the junior Senator from Illinois [Mr. DIETERICH] that he is supporting the bill to punish and humiliate the South because he says the South voted for prohibition. [Laughter in the galleries.] So we have at least found out the motives that inspire the Senator from Illinois.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIETERICH. The Senator is mistaken with respect to my motives. The Senator is so much mistaken in respect to my motives that I somewhat agree with him in doubting whether a law of this kind can be properly enforced. The Senator has taken a very narrow view of it. I am not punishing the South for prohibition. I think possibly the North assisted in that somewhat, but it was true that the solid South did, and they did it, notwithstanding the fact that they have always been the section that has talked about State sovereignty and State rights. There is no one more wedded to State sovereignty and State rights than I am. I am sorry to see the State lines broken down as they have been. I really believe that if we return a little bit closer to that we might

have a better condition of law enforcement. But it is only where these States charged with the enforcement of the law—when their officers neglect to give them that protection that they are accorded under the Constitution—that this bill could possibly step in. Whether or not a local sentiment would be so strong as even to prevent that from being done is something, of course, that is not within human intelligence to determine.

Mr. RUSSELL. Mr. President, that is most unusual logic presented here by the Senator from Illinois. He adopts the theory that when a person in one county who is charged with a crime happens to lose his life, his legal representatives are entitled to sue the county for \$10,000, and that that is no violation of States' rights; but when it is proposed that if some innocent individual, some person not charged with a crime, has been victimized by one of these racketeers or one of these gangs, and murdered, his family shall have the right to sue for \$10,000, oh, no; then it is asserted that the Federal Constitution stands in the way. That is the logic that is back of this bill.

Here is a simple illustration: A man is charged with some terrible offense out in a little rural county somewhere, and three men come up and shoot him. The sheriff of that little county may be sent to the penitentiary for 5 years, and the county may be sued and from \$2,000 to \$10,000 damages recovered, because this bill proposes to fix the burden of proof on the county.

However, another individual, also a citizen of the United States, who has never been charged with any crime, who is not guilty of any offense, is without the protection of the Federal Constitution because, forsooth, he has lead a blameless life, and he has no right under the Federal Constitution to have the Congress of the United States legislate in his behalf. Because he has committed no crime, three men may go out and shoot him down, they may burn him in oil, they may tie him to a tree, they may whittle him to bits. Is the sheriff of the county where that crime occurs subject to any penalty of the law because he did not protect the blameless, the innocent man? No. He cannot be arrested under this bill. Is the county liable under this bill? Not for a dime. The children and the widow of the poor fellow who was innocent, and who was killed without cause, cannot recover under this bill or under any other pending Federal legislation. They will have to go to the relief rolls; they will have to go to some charitable organization, or else those who are sponsoring the bill will let them starve to death. That is the theory of this bill—protecting the man charged with a crime.

Senators speak about protecting the innocent persons of this country. There is talk about trying to promote good citizenship, to do away with crime and protect the innocent citizens of this country. Then the Senator from Illinois rises up in his might and says, "No, it cannot be done." If I wanted to be cruel, I might say that the Senator from Illinois is surrounded by the atmosphere of Chicago's law-enforcement record or he would not say that: "Protect a man charged with a crime! Let the innocent be victimized by the gangsters!"

Mr. President, I shall now read a little further from the report of the crime commission. I now go to the last statement on page 20, in which the crime commission discusses whether or not there are in other parts of the country conditions such as those disclosed in the cases in Chicago to which reference has been made, where in one instance criminals knocked a man on the head and covered him up with clothes and put gasoline on the clothes and set them afire, and in the other instance they took a man out and shot him in each knee with pistol bullets because he would not come under the racket and pay his dues, and he was deprived of his property and his business without any process of law. Here is what the gentlemen in Illinois who investigated this situation have to say.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Is this the same group of gentlemen whom the Senator from Illinois [Mr. LEWIS] earlier in the day praised so highly as outstanding lawyers and citizens of the city of Chicago?

Mr. RUSSELL. Yes; he called them outstanding citizens of the city of Chicago.

Mr. CONNALLY. Those are the men who made this report?

Mr. RUSSELL. Yes.

I read further from the report:

May it, however, be surmised that Chicago is no worse than other cities, if the fact were known? Comparison of the results of statistics on judicial administration in Chicago, New York, St. Louis, and Cleveland do not provide an adequate basis for accurately determining whether the law is being enforced more effectively in any office of these cities than in the others. The real test, however, will be found in comparisons of control of the forces of organized crime in the large urban centers. None of the surveys in the other jurisdictions have included any appraisal of the effectiveness of law-enforcing agencies to combat the organized-crime menace. Only the Illinois survey has attempted to do that.

Mr. President, I digress here to give praise to the sincerity and the high purpose and the high ideals of the gentlemen who made this survey. They did not stand up and deny the conditions in their State and their city. They did say it was true that the law-enforcement officers were not undertaking to enforce the law; that out of 13,000 felonies there were only a small number of indictments and a smaller number of convictions. In an effort to better conditions they came in and made a full and frank revelation, not only to the people of the city of Chicago but to the people of the country. Those who had to stay in Chicago and who could not come to the Congress could hear of it. They could hear the fire of the machine guns. They could hear the explosions of bombs. They could hear the fire of the bullets from the gangsters' guns. The commission revealed all this to the world. They said, "Here is the condition in the city of Chicago, and we are going to try to do something about it."

I wager that those gentlemen would not favor this bill. They favored a decrease in crime; and I know it would make an appeal to them, after their study of the horrible conditions that are revealed in this report, if they knew that the South had gone so far in the splendid work of stamping out and doing away with the crime of lynching—if these gentlemen who dealt with this crime situation so intimately in Chicago could see the contrast between the splendid work of the South in reducing lynchings to 8 each year, 8 out of the 12,000 murders, the 8 about which it is proposed to have the Congress legislate while closing its eyes to other crimes—and would congratulate the South and the Southern States on their achievement. For that reason, I am constrained to lend credit and pay a great deal of attention to what they have to say in their report. I believe they have shown a fine spirit in revealing the awful picture of crime in Chicago, and it stamps them as gentlemen who are worthy of belief. What do they say?

If, however, one may properly draw upon press reports of conditions existing in the other cities, such as Philadelphia, Detroit, Pittsburgh, Los Angeles, and New York, they all point rather definitely to the existence in those cities of conditions of organized crime which, if fully disclosed, as has been done in Chicago, would reveal conditions comparable with those existing here.

I credit that statement and believe it, and I assert that the only reason the conditions that exist in the other great cities that have been mentioned are not known is because the citizens of those cities have not had the courage, they have not had the desire for civic improvement, to go into an investigation of crime conditions.

Mr. DIETERICH. Mr. President—

Mr. RUSSELL. I yield to the Senator from Illinois.

Mr. DIETERICH. I wish to thank the Senator for the tribute he pays to the citizenship of Illinois, and I assure him that he is absolutely correct in his statement. The citizenship of Illinois are against crime, and one of the evidences of their effort to prevent it is the inquiry made by them into conditions. They are trying to remedy crime conditions; I am happy to report to the Senator from Georgia that their

work has been effective; that gangland has almost disappeared in Illinois, and it has disappeared most rapidly since the repeal of the eighteenth amendment.

Mr. RUSSELL. Yes; I trust there has been some decrease, for, as I have stated, only 464 were killed in Chicago in 1935 and 1936 as against 8 lynchings in all the Southern States. Yet we must legislate against the 8 killings in the Southern States and close our eyes to the 464 killings in the city of Chicago.

Mr. DIETERICH. Mr. President, will the Senator yield again?

Mr. RUSSELL. I yield.

Mr. DIETERICH. What the Senator says about the disappearance of the crime of lynching in the South is true; but since the period of the maximum amount of crime in Illinois was incident to the organized bootlegging element, and since that has disappeared, crime is rapidly dwindling; and if he will give us a little time, we will be happy to report to him that the crime conditions in Illinois have almost disappeared.

Mr. RUSSELL. The Senator asks for time; he wants time for the State of Illinois to cope with its horrible conditions of crime, involving 464 killings in the course of 2 years; but is he willing to give the South time to finish its splendid work? No. He wants to put the stamp of infamy and incompetence on us, though we have made the most marvelous progress in stamping out this crime that any section of the United States has made in dealing with any crime.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Will not the Senator be willing to give Illinois time if that State will reduce the number of murders within her borders to eight, the number to which lynchings in the entire United States have been reduced?

Mr. RUSSELL. If that were to happen, the Congress of the United States should accord the people of Illinois a vote of thanks. Instead of trying to insult and penalize them, the Congress should adopt a resolution congratulating them on the fine work they had done in dealing with crime.

Mr. DIETERICH. Mr. President—

Mr. RUSSELL. I yield to the Senator from Illinois.

Mr. DIETERICH. I want to thank the Senator for that nice compliment.

Mr. RUSSELL. It has not happened as yet; Illinois has not gotten down to as few as eight murders.

Mr. DIETERICH. We are trying to do better than that. I assume, from the way the Senator is talking, that there are no penitentiaries at all in the South; that the Southland is entirely free from penal institutions, and that other crimes down there simply are not committed.

Mr. RUSSELL. Oh, yes, we have penal institutions. The difference between us and the State of Illinois is that we use our penal institutions. We convict violators of the law and put them in such institutions. [Laughter.]

Mr. DIETERICH. Then let me ask the Senator why does he not include all crime, as he does in the case of Illinois? We have heard something about chain gangs in the South. Will the Senator give us a little dissertation on chain gangs down there and what they are?

Mr. RUSSELL. I wish to advise the Senator from Illinois that in one of the brief statements I am preparing to make on this bill I intend to deal with that subject, but I prefer not to be diverted now to go into it. I wish to say to the Senator that some stories about the chain gang are part of the campaign of misrepresentation, the campaign of attempting to pillory a section of the country, a campaign to disseminate vicious and unwarranted lies in regard to conditions that exist within my State. As a matter of fact, the chain gang has been abolished in Georgia.

Mr. CONNALLY. Mr. President, will the Senator yield there?

Mr. RUSSELL. I am glad to yield to the Senator from Texas.

Mr. CONNALLY. If the people of Illinois would put some of their gangsters and racketeers in the chain gang,

does not the Senator think it would reduce somewhat crime in the State of Illinois?

Mr. DIETERICH. Mr. President—

Mr. RUSSELL. If they would follow the example of our State, there would be less crime in Illinois. I said in the outset, as the Senator from Illinois would have heard had he been here, that there was not any section of this Republic that had a monopoly on virtue, and I did not know of any section of the country that had any corner on lawlessness and crime. I said further that if we had the power under the Constitution we should go into the subject of crime in all its phases and not merely attempt to deal with these 8 killings, 8 out of 12,000 murders, bad as they might be; that I thought it was well for the Congress of the United States to deal with crime in all its phases and see if we could not lend some of the help to various State governments in curbing it that is so charitably extended by this bill in the case of lynchings.

Mr. DIETERICH. I may suggest to the Senator from Georgia that if he has any suggestions to offer to the good citizenship of Illinois as to how they may still further reduce gangland crimes and those crimes that are peculiar to populous places, we will be glad to hear from him and try to adopt his suggestions, because we want to eradicate crime. It seems as though all sections of the country are interested in that. Of course the Senator does not wish to talk about chain gangs in the South; he merely wishes to brand statements as to the chain gangs as untrue.

Mr. RUSSELL. Let the Senator get the reports and read about the chain gangs in the South. I did not go to some place far removed from Illinois to get information about Illinois. The thing that is amazing about this matter is that the senior Senator from Illinois [Mr. LEWIS] says that the gentlemen who wrote the report from which I have quoted were worthy of belief, that they were fine citizens, and the junior Senator says that that is untrue.

Mr. DIETERICH. Oh, no.

Mr. RUSSELL. He says there is nothing to it, and that no credit should be given to it. Yet it came from Illinois. I did not write the report. I did not write the book, though I recall the old exclamation, "Oh, that mine enemy had written a book" when I looked at this book.

Mr. DIETERICH. Mr. President, the Senator is not justified in the statement that I said that the report is untrue.

Mr. McKELLAR. Mr. President, I read from it, and the Senator said it was untrue. I read from the crime commission report.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and if so, to whom?

Mr. RUSSELL. I yield first to the Senator from Tennessee and then to the Senator from Illinois.

Mr. McKELLAR. I read a quotation from the crime commission report, and the Senator said that what I read was untrue.

Mr. DIETERICH. I thought the Senator was reading something about present conditions.

Mr. McKELLAR. No; I was reading from the crime commission's report, and I so stated. I am quite sure the Senator misunderstood; but what I read was from the report of the crime commission, which was organized in, and composed of citizens of, the State of Illinois. If there is anything untrue about it, it is untrue because the authors of the report made it untrue.

Mr. DIETERICH. Mr. President, will the Senator from Georgia yield to me again?

Mr. RUSSELL. I yield.

Mr. DIETERICH. I wish to say to the junior Senator from Georgia that I have no reason to doubt the truth of what is contained in that fine book and that report. I tried to explain to the Senator what the conditions were that brought it about, what brought on the conditions which made it necessary for the citizenship of Illinois to make a study of crime in order to assist the enforcement officers in trying to combat it, and the difficult circumstances under which they were working, because the illicit traffic in liquor produced

such revenues that in all the populous cities gangland began to know itself; they had their rendezvous; they were acquainted; and it was rather difficult for the law-enforcement officers to detect and punish such criminals.

Mr. McKELLAR. We do not have prohibition now, and has the condition been changed?

Mr. DIETERICH. Illinois has a good citizenship within it; Illinois tries to enforce the law. There is no laxity there, either on the part of the prosecuting officers in the great city of Chicago or the prosecuting officers throughout the State. There is no disposition anywhere on the part of those charged with the responsibility of government to close their eyes to crime. They are doing the best they can. They have a different problem in the city of Chicago, with over 3,000,000 people, than is found in the broad spaces of the South.

Mr. McKELLAR. Yes; but we did not bring this bill in here. The Senator from Illinois helped to bring the bill in here.

Mr. DIETERICH. This discussion has nothing to do with this bill. Senators are merely trying to raise an issue outside the bill. In other words, they are most ingeniously, if they will pardon my expression, according to my opinion, though I may be wrong, trying to raise a smoke screen and obscure the pending bill by injecting something else.

Mr. McKELLAR. We are trying to state the facts.

Mr. RUSSELL. If we offer an amendment designed to bring within the terms of the bill the 462 killings in Chicago, that is a smoke screen, but if there are 8 lynchings, that is a matter to which the statesmen of the Senate should address their time and efforts. That is convincing proof of the impelling logic of the Senator from Illinois.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The junior Senator from Illinois very graciously stated a while ago that he would welcome any effort to help reduce crime in his State. Here is an amendment that I have offered to the bill, and I hope it will receive the Senator's support. It is intended for the purpose of reducing crime in his State:

*Provided, That the term "lynching" shall also be deemed to include any violence by members of a group of lawbreakers—*

*"Lawbreakers"—*

such as are commonly designated as gangsters or racketeers, which results in the death or maiming of any person.

Mr. DIETERICH. I am for that amendment.

Mr. McKELLAR. I thank the Senator.

Mr. DIETERICH. I am happy to state to the Senator from Tennessee that I will vote for that amendment. Now, will the Senator from Tennessee vote for the bill if it shall be amended in that way?

Mr. McKELLAR. No; I will not. [Laughter.]

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. The Senator from Illinois stated that there was a smoke screen here. I should like to advise him that the gangsters and racketeers have used a smoke screen on his own people whom he is seeking to exempt by this amendment to the bill.

Mr. RUSSELL. Mr. President, I know that there are other Senators who desire to address themselves to this bill today, and I therefore shall not start on the last part of my speech at this time. I wish to say, however, that these remarks have been in the nature of an appeal to that sense of fairness which any American citizen might have a right to expect to be inherent in a man who had been sent to the Senate of the United States. If we are going to deal with the crime problem in the United States, if we have the power to deal with it under the Constitution, it is the duty of the Congress of the United States to go far beyond the eight out of 12,000 murders which it is sought to cull and segregate from the mass in order to make this a political bill, which will result in pillorying a great section of this country before the world as being incapable of its own self-govern-

ment, and that in spite of the remarkable record we have made.

The Senator from South Carolina read into the Record a news item appearing in today's press disclosing the manner in which a sheriff in Alabama had handled a very delicate situation which in the past would undoubtedly have led to a lynching or to mob violence.

Mr. President, there are thousands of good peace officers scattered throughout the length and breadth of the South who have risked their lives, yea, in instances who have given their lives, in an effort to protect those in their custody charged with a crime that was likely to raise public feeling.

In the past few years the crime of lynching has been all but eliminated. Now, it is proposed to have the Senate of the United States say, officially and on behalf of the Government of the United States, not only to our country but to the world, as a reward for this labor and this courage of the peace officers and other good citizens of the South who have fought this awful crime, "You are incapable of enforcing the law. You are a clan of barbarians. You cannot handle your own affairs unless we apply to you the lash and spur of Federal power."

Mr. President, I say it is uncalled for; it is unwarranted; it is unworthy.

The Negro race will not be served by passing a bill of this kind at this time.

Mr. President, how often do you think the sheriff of a country county somewhere will intervene or even attempt to take into custody some unfortunate individual charged with a crime of this character if this bill shall be passed? We might as well invite him to go out and pick up a dynamite bomb that has a lighted fuze as to ask him to go out somewhere and take into custody some person charged with a crime that is liable to stir up general public feeling, when he knows that under this bill he and his bondsmen may be subjected to a fine of \$5,000, and he may be compelled to spend 5 years in the penitentiary; and, furthermore, that by his very act of summoning the people of the county who are opposed to mob violence he is liable to bring on the community a fine of \$10,000. Of course, he is not going to do it. It would not be human nature for him to do it. He will say, "I never heard of that crime being committed. I never heard of this criminal." He will make no effort to arrest him or protect him, and no fair-minded person can blame him.

Then how will it be possible to enforce the judgment when the matter is taken into a Federal court? The sheriff will come in and say, "I had left the county the very afternoon the crime occurred." How will it be possible to convict the sheriff when he says he had left the county and did not know about the crime, or had not seen the criminal? How will it be possible to mulct the innocent people of the county in damages as it is proposed to do under this inquisition clause that would penalize the county for \$10,000 even though the citizens of the county never heard of the man who was killed in that county?

I was amazed to hear the Senator from Illinois [Mr. Lewis] say that the provision exempting gangsters originally grew out of a desire to see that the county should not be penalized in the sum of \$10,000, since the good people of the county might be opposed to gang killings. I say to you that the Senator is not fair enough to apply the same rule to a lynching; but he wants to penalize the innocent along with the guilty by making the county in which the lynching occurs responsible in the sum of \$10,000.

Mr. President, I ask to have read by the clerk an editorial appearing in today's Washington Post which I think will be very illuminating to some Members of the Senate. In that connection I desire to say that I do not know what are the policies of the Washington Post in regard to politics. I had always understood that it was a Republican newspaper, but it certainly has been taking some Democratic positions in dealing with this subject, which some Democrats or alleged Democrats in this body might do well to consider and emulate. I appreciate the position of the Washington Post, and

I am sure the people of my State will appreciate it when they see in the CONGRESSIONAL RECORD the editorial which I now ask to have read, and know that one metropolitan paper has had the courage to deal fairly with them and their problems.

The PRESIDING OFFICER (Mr. DUFFY in the chair). Is there objection to the request of the Senator from Georgia? The Chair hears none, and the editorial will be read.

The legislative clerk read as follows:

[Editorial from the Washington Post of Wednesday, January 12, 1938]

#### BACK TO THE TRAGIC ERA?

Senators who are fighting the antilynching bill are said to be engaged in a filibuster. No doubt some have prolonged their remarks to consume time. But the high caliber of the discussion during the last few days frees it entirely from the sinister implications of the term "filibustering."

The speakers have not only held closely to their subject, they have also revealed the heart of the issue before the Senate. While unanimously deploring the now isolated cases of mob murder, they have dissected the antilynching bill and found it to be impractical, unnecessary, repugnant to the American system of government, and an insult to the South. The really strange aspect of the "debate" is that no effort is being made to answer these devastating attacks upon a bill of grave import.

In actual practice, the effects of the bill might not be far reaching. Lynching, as Senator HARRISON pointed out, is decreasing faster than any other major crime. The comprehensive records presented by Senator MILLER indicate that 2.1 persons were lynched per million population 40 years ago, compared with only 0.06 last year. So application of the law presumably would not be extensive. It is, as Senator MILLER said, the "underlying philosophy of the bill" that gives it real significance.

Lynching is usually common on frontiers where law and order have not been established. It became a serious problem in the South largely because of the stupid "reconstruction" policies foisted upon that section following the Civil War. Carpetbaggers imposed a reign of terror on the South. Local government was crushed by ruthless Federal interference, leaving a legacy of bitterness and hatred that has not yet been entirely eliminated from the Southern States.

"Everyone now recognizes it," Mr. HARRISON told the Senate, "as one of the Government's worst mistakes." Everyone, it seems, except the sponsors of the antilynching bill. For that measure would permit the Federal Government to invade the rights of the States in a manner that was specifically frowned upon by Congress even in those hectic days when the fourteenth amendment to the Constitution was adopted. The latter point was pointedly emphasized by Senator BORAH.

It is impossible to read the debate on this bill without realizing that it is reopening the old wounds and bitter antagonism of the reconstruction era. Once more the South fears that a determined majority in Congress is ready to trample down its right to control its local affairs. Of course, that does not mean that the Southern States wish to see lynching continue. Every rational person in all sections of the country wants to see it eradicated. But the South has a right under the Constitution to meet the problem in her own way. And the progress already made is proof of the sincerity of her efforts.

Why, then, should there be this effort in Congress to raise once more the shadow of the tragic era? Senators BYRNES, HARRISON, and others see political motives behind the bill. Many Democrats from Northern States undoubtedly expect to gain political support on the false assumption that a vote for this bill is a vote against lynching. But if, in following that course, they arouse new sectional and racial feelings, they will be shown as enemies and not friends of the Negro.

It is particularly ironical that this threat against local self-government should come while the Democratic Party is in control of both the legislative and executive branches of the Government. The northern branch of that party is striking a terrific blow at the solid South. Even those Senators who seem to have lost their interest in preserving the American type of democracy can scarcely afford to drive a wedge into their party for imaginary political advantages in their own States.

Mr. RUSSELL. Mr. President, there are other Members of the Senate who desire to be heard on this measure this afternoon. I shall, therefore, defer to a later date my further remarks on the crime situation in the United States, and also my remarks on the constitutionality of this bill. I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bankhead	Borah	Bulow
Andrews	Barkley	Bridges	Burke
Ashurst	Berry	Brown, Mich.	Byrd
Austin	Bilbo	Brown, N. H.	Byrnes
Bailey	Bone	Bulkley	Capper

Caraway	Harrison	McGill
Chavez	Hatch	McKellar
Clark	Hayden	McNary
Connally	Herring	Maloney
Copeland	Hill	Miller
Davis	Hitchcock	Minton
Dieterich	Holt	Moore
Donahay	Johnson, Calif.	Murray
Duffy	Johnson, Colo.	Neely
Ellender	King	Norris
Frazier	La Follette	Nye
George	Lewis	Overton
Gerry	Lodge	Pepper
Gibson	Logan	Pittman
Gillette	Loneragan	Pope
Glass	Lundeen	Radcliffe
Guffey	McAdoo	Reynolds
Hale	McCarran	Russell

Schwartz
Schwellenbach
Sheppard
Shipstead
Smathers
Smith
Steiwer
Thomas, Okla.
Thomas, Utah
Townsend
Tydings
Vandenberg
Van Nuys
Walsh
Wheeler

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. REYNOLDS. Mr. President, I hold in my hand a card issued by the Army and Navy Union of the United States of America. The Army and Navy Union of the United States of America, according to my recollection, maintains its national headquarters in the Capital of our country, Washington, D. C. The card reads:

OFFICIAL BOYCOTT CARD, ARMY AND NAVY UNION, U. S. A., ISSUED JANUARY 12, 1938

This is to certify that \_\_\_\_\_ is enrolled with the Army and Navy Union in its fight against all foreign "isms."

NATIONAL LEGISLATIVE COMMITTEE.

Don't buy goods made in Japan or Germany.

Mr. President, I wish to take this opportunity to congratulate the officers and members of the Army and Navy Union of the United States of America, and at the same time to congratulate the officers of the American Legion and the officers of the Veterans of Foreign Wars, because all these great organizations of veterans, who have served our country in time of war and are now serving it in time of peace, are in vigorous opposition to foreign nations obtaining a foothold in the Western Hemisphere.

I was happy indeed when I was presented with this card, at which time the officers of this organization saw fit to honor me by making me an honorary member of the organization. I was more than happy to have that honor bestowed upon me, and I accepted it with gratitude, because I do not believe there is any subject of greater interest to the American people today than the subject embodied in the movement inaugurated at this hour by the officers and members of the Army and Navy Union of the United States of America.

A few days ago when I had the floor I took occasion to read an article, perhaps several articles, from one of the great magazines of America, relating briefly and at random throughout the issue something in reference to Germany and Italy and Spain and other foreign nations obtaining footholds in the Western Hemisphere. If we are to oppose, influentially and successfully, the inroads which are about to be made upon the Western Hemisphere, we must nip such movements in the bud, and the organizations which are engaged in nipping them in the bud are such great and influential and Nation-wide organizations as the Army and Navy Union.

Mr. President, we know that for a number of years unfortunately we of the United States of America neglected to carry on in the countries to the south of us where reside nearly 130,000,000 people. For a number of years we were so thoroughly successful in our commerce with various other nations that we did not pay any particular attention to that great field, which offers tremendous opportunity to the industry of America. As a result of our indifference, Japan, on the west coast particularly, Italy, Germany, and Great Britain developed their commerce with the countries to the south, and while we have been engaging ourselves listening to the words that fall from the lips of Mr. John Bull, of Great Britain, and others who have tried to get us embroiled in some foreign entanglements, the countries I have just mentioned have been developing their foreign trade in South America. Not only have they been developing their trade there, providing great outlets for their merchants and

their manufacturers in those countries, and providing labor for the workmen of those nations, but at the same time their sphere of influence has been greatly broadened and strengthened, until today the influence of the Italians, the influence of the Japanese, and the influence of the Germans, the triple alliance, is very strong, not only in Central America but likewise in South America.

As a matter of fact, the first spearhead, the first inroad we actually made, that was of any great benefit, was in November 1936 when our great and beloved President, Franklin D. Roosevelt, paid a visit to the people of South America. It will be recalled that his ship went into Port of Spain, Trinidad, and stopped in Rio de Janeiro, in Brazil, and in a number of cities between here and the Paris of the Western Hemisphere, Buenos Aires. At that time there was there at the right hand of the President of the United States Mr. Sumner Welles, who, I venture to say, is the best-informed authority on Latin American affairs this country has ever had.

Preceding the visit of our great President to our brothers in the Argentine there was our Secretary of State, Mr. Cordell Hull, a native of our sister State of Tennessee.

By the way, Mr. President, I am glad indeed that I had the very great honor of serving one term in the United States Senate with our Secretary of State prior to the time he was appointed to the Cabinet by our beloved President, Franklin Delano Roosevelt.

Mr. President, I say that our Secretary of State was there. I am glad he was there. I heard him speak in the halls of the Senate of the Argentine Republic; and I wish to say, Mr. President—and many Senators know that what I am about to say is true, because Senators have had the opportunity to read his speech and did read his speech—that in the hall of the Argentinian Senate he made one of the finest impressions ever made by any man, regardless of the country from which he came.

Then, as I mentioned, there was also present the Honorable Sumner Welles, the Assistant Secretary of State in charge of Latin American affairs. He was respected and honored by all, because the people of those 22 countries of South and Central America, having a population of 130,000,000 people—a population equal to that of the United States—recognized the wealth of his charm in handling Latin American affairs. By reason of the popularity of the President of the United States there at that time, I saw that the sentiment of friendship existing between the people of the United States of America, with 130,000,000 people, and the 22 countries to the south of us, having an equal number of people, was crystallized.

On my several visits to the countries of Central and South America I have found that the Italians, the Germans—and the Spanish, for that matter—have made inroads and made some headway so far as influence upon the minds of the people of those several countries is concerned. By that I mean that they are exerting more influence in the Western Hemisphere than ever before; and that is largely attributable to the fact that those residing across the sea who are desirous of gaining a foothold in the countries of Central and South America are constantly bombarding the people of the countries of South and Central America by radio, night and day. Come, if you will, by steamer from the south to the United States; come, if you will, by air; and every hour of the day and every hour of the night, if you will turn on your radio, you will hear those who are preaching the doctrine of the Governments of Germany and Italy, the doctrine of fascism. I say to the Senate that now of all times, when the world is in the upset condition that it is in at the present time, we should pay attention to American matters and nip in the bud any movement made by these foreign countries.

Mr. President, in line with what I have just said in regard to foreign influences, I ask that there be printed as part of my remarks, in the body of the *RECORD*, a paragraph from an article headed "What About Mexico?", printed on page

272 of the New Republic of January 12, 1938, the article being by Maurice Halpevin.

There being no objection, the matter referred to was ordered to be printed in the *RECORD*, as follows:

Much, of course, depends on the international situation. Mexico's southern neighbor is Guatemala, a feudal-military dictatorship now on very cordial terms with Germany. At the present moment arms are being smuggled across the frontier into Mexico. Guatemala is very plainly being groomed to play the role of Portugal, and there are well-founded rumors that a plan now exists whereby at a given moment Mexico's southern border States will secede and be annexed to Guatemala. What makes all of this very serious is that the Nazis, among the original backers of the outlawed "Gold Shirts," are now intimately connected with (and very likely are even directing) most of the machinations against the Mexican Government. With a good foothold in South America, the new Fascist triple alliance is now seeking to gain important positions in North America.

Mr. BAILEY obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BAILEY. I yield to the Senator from Texas.

Mr. CONNALLY. Because of the fact that the Senator from North Carolina is about to address the Senate—and I hope all Senators will hear him—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	King	Pope
Andrews	Davis	La Follette	Radcliffe
Ashurst	Dieterich	Lewis	Reynolds
Austin	Donahay	Lodge	Russell
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Loneragan	Schwellenbach
Barkley	Frazier	Lundeen	Sheppard
Berry	George	McAdoo	Shipstead
Bilbo	Gerry	McCarran	Smathers
Bone	Gibson	McGill	Smith
Borah	Gillette	McKellar	Steiwer
Bridges	Glass	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Bulkeley	Hale	Miller	Townsend
Bulow	Harrison	Minton	Truman
Burke	Hatch	Moore	Tydings
Byrd	Hayden	Murray	Vandenberg
Byrnes	Herring	Neely	Van Nuys
Capper	Hill	Norris	Walsh
Caraway	Hitchcock	Nye	Wheeler
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	
Connally	Johnson, Colo.	Pittman	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. BAILEY. Mr. President, it is with some reluctance that I enter upon a discussion of the pending bill. I recall now that this is the fifth or sixth time that I have undertaken to discuss it. I am rather convinced that there is not a great deal to be gained by argument along the lines I have heretofore pursued; but I cannot withhold my protest, and I am not disposed to withhold anything that is within me by way of resisting the passage of this untimely and most unfortunate measure.

I have observed, Mr. President, with a great deal of satisfaction the high character of the debate since the bill came before us in the present session. I cannot resist the feeling that the high character of the debate is such as to convince the country of the righteousness of the position of the opponents of the proposed legislation.

I wish to say that I am extremely grateful, and will always be grateful, and I hope my children after me will be grateful, as I believe all the southern people are grateful now and will be grateful for many years to come, to the distinguished Senator from Idaho [Mr. BORAH]. It was an inspiring thing, Mr. President, that the real understanding of the position of southern Senators, and the real exposition of the meaning of this measure should come not from the South but from the far West. I found something of inspiration, something of real cheer in the fact that it came from the lips—came so eloquently from the lips—of one of the noblest of American men, a man who wears as worthily the title of Senator as has any other in the long list of those who have had the honor to bear that title. I wish to thank him for

myself, for my Commonwealth, and I think for many Americans—certainly for all of those who have had to deal, as have southern men and women, with the race problem.

I should like also to say that I am very deeply gratified by the fine conduct of the debate this morning by the junior Senator from Georgia [Mr. RUSSELL]. He captivated my admiration by the manner in which he handled those who undertook to combat his position, and I thought at one time in the course of the colloquy that we might have to have a law to prevent the forensic lynching of Senators.

I am going into the matter today not on the constitutional lines I have heretofore followed, I fear quite vainly, but on the lines first of four fundamental objections to the proposed legislation. If I shall within the time this afternoon exhaust that portion of my address, I hope to have the strength to discuss the evidences now current of the new era of good feeling as between business and the administration, evidences which have come to me by way of the press, and which have given me a very great deal of heart, and I think are calculated to give millions of our fellow citizens no less of cheer. If after that I shall have time, I intend to say something to the Senate on the subject of the record of business in our country during the past several years and particularly at the present time; and, if further energy and time be allowed me, I shall speak on the subject of the current issue in this country as between our historic system of American enterprise and the growing system throughout the world—a system threatened here, I sometimes think—of collectivism. I may have some other things to say on the subject of the character of the present depression. So I have set out for myself quite an exhaustive discussion. I am sorry I shall have to go slowly about it, but I cannot enter upon so vast and exhaustive an undertaking except in the most deliberate manner, with a view to conserving my energies.

Before I embark upon a discussion of the pending measure, I should like to make a remark about the matter that came up this morning in the colloquy between the junior Senator from Georgia [Mr. RUSSELL] and the senior Senator from Illinois [Mr. LEWIS] and the senior Senator from Tennessee [Mr. McKELLAR] and the junior Senator from Illinois [Mr. DIETRICH]. They brought forward the matter of the riot that took place on the outskirts of Chicago, I think, in the month of June last, in which several persons were killed and a good many were injured.

It happened that I sat on the Post Office and Post Roads Committee and heard evidence for several days upon the subject of that riot. We heard policemen, we heard the county attorney for Cook County, we heard some of the strikers, and we heard some of those who were in the mob. I filed a report in the Senate on that subject. It was my judgment that, under the circumstances, the police officers did no more than their duty. It was a bad situation. Of course, we all deplore the exercise of force and when force has the consequence of death or injury we have a sense of horror; we tend to revolt against it. We ought not, however, to forget that the government must govern; crime must be suppressed. We ought not to blame the policeman for failing to enforce the law and then blame him when he enforces it. The evidence shows that a group of people, armed with sticks and irons and other deadly weapons of a rude sort, was advancing in the direction of a plant in which there were workers at work, men and women who were trying to make livings. This mob was coming down to take possession of the plant. They had been assembling there for some time, and the Chicago police were called out because the mob was approaching the gates of the institution.

The captain of police testified that he ordered the mob to desist, to respect the laws of the State of Illinois and keep the peace, and he warned them that they would fail to comply with that order at their peril.

That is always true. I have no right to resist an officer. We have an officer of the Senate, our Sergeant at Arms. If by some means I should behave in such a way as to disturb the peace of the Senate, perhaps to endanger the life of per-

sons here, it would be the duty of the Sergeant at Arms to exercise such force as was necessary to prevent me. That is the law of the Senate. That is a law which is higher than the ordinary civil laws. That is the law of the necessary self-protecting power of governments.

These things are so elementary that I wonder that I have to state them. There is no other way than that to maintain order. The government must manifest itself somewhere in a policeman or an officer. When it manifests itself for the purpose of maintaining peace, the policeman has a duty, and that duty is to use all the force that is necessary. He is the judge of that force unless there is evidence of a malicious or a flagrant abuse of his discretion; and that is necessary, too. He cannot run down to find a committee to advise him. He cannot go over here and get a commission to tell him how much force he may use. He must use such force as the instant need of things, in his judgment, demands.

If, in consequence of that, somebody is killed, we all are very sorry; we all regret it deeply; but, with all that, we recognize that we are either going to have law and order or we are not going to have it; and if we have law and order, we are going to have it by force. Governments are not run by persuasion. They are not run by political speeches.

So while those policemen used force, what else could they do? Should they have let the mob go on? Suppose they had done so. Then there would have been murder committed in the mills. Numbers of people then would have been killed, and we would have been horrified. But the complaint is made that the policemen were seen in those moving pictures—and I saw the pictures—to be beating the mob after the mob had retreated. I think that is true. It is said that that was not necessary; but let us hear the policeman's side. What is the use of merely stopping a mob? The mob must be dispersed.

I asked one of the policemen why they continued to beat the men after they started off. He said, "Well, of course we had to disperse the mob. It was not enough, as long as they were carrying arms, as they were—they were armed—to let them go back 50 or 60 feet. They would have reassembled and come on again." The police may have gone too far in that case. It may be a fine theory that the mob might have just decided to disperse. I do not know. What I am saying is that the policeman had to use such force and such discretion as he thought necessary in the midst of those great difficulties.

I know the law of North Carolina on that subject, because at times I have had the privilege of defending policemen who were charged with using excessive force. I defended one policeman for beating a man over the head with a billy, and I defended another policeman charged with manslaughter. The defense was this: The policeman admitted all the facts charged, but said, in one instance, "The man was about to commit a felony, and the law charges me with the duty of using all the force necessary to prevent the perpetration of a felony."

Let us get that picture. Here am I, and some man starts to shoot me, and there is a policeman. The policeman must shoot the man to keep him from shooting me. That also is the law of civilization. Try the policeman for manslaughter, and he defends on the ground that he shot the man because the man was about to shoot me. We are either going to stand by our policemen in America, or we are not.

I defended the other policeman on the ground that the man was resisting arrest; and I should like to get that little doctrine before our people. We forget these things, my friends, so I should like to get that doctrine before our people. The law of police with respect to arrest is that once a policeman has arrested you, he may kill you if necessary to hold you; he may use such force as is necessary to hold you once he has laid his hand upon you and said, "Consider yourself under arrest." If you run then, you run at your peril.

Why is that? That is wholly to prevent the policeman from being in a very hopeless situation. If he arrested me,

and I continued to resist and to fight, the arrest would not amount to anything. The Supreme Court of North Carolina, in a very famous case, said that the courts would not weigh in golden scales the actions of police officers in the performance of their duty. What did the court mean? It meant that it would not take the same refined view of the actions of police officers that it would take of the actions of a private citizen; it would leave to the policeman the judgment as to the discretion, provided it was not obvious that he went too far.

Mr. President, I am saying these things because so often we seem disposed to get away from the fundamentals of things. We are bound to have that sort of law of arrest if we are to have any sort of peace and order in America. We would all agree that if a policeman arrested a kidnaper, say, and the kidnaper undertook to resist, the policeman would have a right to shoot him; but when it comes a little closer home to us, and there is some violation of the law that is not so outrageous to our senses, we begin to revolt, and we begin to impair our sense of the authority and the duty of the officer of the law.

The policeman is no more than the law, after all; and, in fact, that is what the criminals down our way call him. They say, "The law is after you." They mean the policeman. They say, "I saw the law last night," meaning that they saw the man in uniform. But I am disposed to look with a great deal of sympathy upon the officers of the law. While I regret as much as any other humane man would regret the shedding of blood and deplore these conflicts, I wish to say that in order to have government and have peace and order we must sustain our policemen when they deal with mobs, or when they deal with persons about to commit crime, or deal with a man who has been arrested and is resisting. It is not the person of the policeman that is involved; it is the soul of the government; it is the essence of things.

That brings me to this bill. This bill is one which puts penalties upon police officers for not doing their duty. I think our friends who were complaining earlier today were complaining against the spirit of the bill. The bill says that—

Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony—

That is the gravest crime—  
and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

What does that mean? That means precisely that, if this bill should pass, the sheriff of my county would have a right to shoot, and would have the duty to shoot, anybody who interfered with him. That is the position of the proponents of the bill; that is my position with respect to officers of the law; but how greatly all of us seem to deplore that sort of thing when it happens out here in a mob in Chicago! We revolt against it. We here charge the peace officers, under penalty of a prison sentence, with the duty of using all necessary force to apprehend those who would lynch a man, or to protect the man about to be lynched; and that means shooting. That means bloodshed.

So I do not think those who are protesting against the exercise of the same authority over yonder in Chicago this year should protest against this measure—not at all. I think an officer should be held to the very highest degree of duty. I think that is essential in government. But if we are going to stand for this, I say to Senators, we are not going to stand

for less in the duty of an officer anywhere. The duty to protect life, liberty, and property in the peace officer is a supreme duty. We have no question about that.

Our resistance to this legislation is not based on the thought that any officer in any Southern State, or any other State, for that matter, should not be held to the highest degree of obligation. He should be. A Negro known to be guilty of the most offensive crime has a perfect right to the protection of the sheriff or the policeman, wherever he may be, and that sheriff and that policeman owe it not just to the Negro as an individual; they owe it to him, but they also owe it to the law, to the government, to exercise all the force that may be necessary to protect him until such time as he can have a trial by what we call "due process of law." That is the law of the land. That means a hearing in the courts in which he confronts the witnesses against him, and that means the verdict of a jury and the judgment of a judge.

Mr. President, I hope I have made my point clear. We cannot support this legislation holding these officers to the highest degree of obligation, and threatening to put them in the penitentiary if they do not shoot, and then hold up holy hands of horror when they happen to shoot in Chicago to prevent the commission of a felony. So we are all together on that subject.

That is said by way of relation to what occurred here today. I am now going to proceed with my argument with respect to this bill on four grounds.

My first contention is that the bill is unconstitutional, and unconstitutional in such a way that it reaches into the vitals of our peculiar and invaluable form of government. I have argued that question heretofore, and argued it on the cases. Let me argue it this afternoon from a different point of view.

My second contention is that the proposed legislation would be an undue and offensive interference with the Southern States in their efforts to cope with the race problem. When I say "offensive" I do not mean to say that the offense is intended. It is nonetheless offensive because it is not intended. It goes back very far into the historical situation. In its very character it is offensive; but I am not going to charge any Senator, any author of the bill, or anyone who votes for the bill, with being deliberately offensive toward me, or toward my section of the country, or toward the American people. I do not think that is a fact. I would not like to attempt to sustain it if I thought it was so. I would not like to say it; I do not think it is so.

My third contention is that the bill is a futile and ineffectual measure, that it would not prevent lynching. I sometimes think it might make conditions worse. I am certain it would not make them better. I do not think it could possibly result in an improvement in the situation as it now exists, in which so much progress has been made.

Attention has been called by the senior Senator from Idaho to the fact that the crime of lynching is the only crime in America which is diminishing in frequency. It is singular to me that that one crime should be picked out for Federal action. It is the one that is vanishing. So that would be my third contention, that the proposed legislation is futile and ineffectual.

My fourth contention is going to be of a political character, that the legislation predicates, and has already brought in the beginnings of a disastrous division, and perhaps an internecine war, in the Democratic Party. I do not like that at all, and I am going to say a good deal about it this evening.

I believe I will say right now that our party situation is not a very happy one. I would like to see the party remain united. I know there is a great division of views, and we should not object to that in a democracy, but there ought to be a very great deal of tolerance where there is of necessity a division of views. There ought to be a great deal of tolerance anyway in this world, a great deal more than there is.

I sometimes think that the best prayer a man could utter for himself every hour would be: "God, make me more tolerant in the next half hour. Let me be willing to hear the other side. Let me be willing for someone to differ with me

without thinking less of him. Let me be prevented from calling people names merely because they differ with me. Let me be able to maintain my faith in my fellow man notwithstanding the fact that he differs with me. Let me learn to respect his views and try to find his point of view, and let me learn to weigh it over against mine." I think that if we should get into that frame of mind it would make for a great deal of happiness for ourselves and promote the welfare of the United States.

I think we ought to have a great deal of tolerance in the Democratic Party. But the thing that is troubling me—and I am speaking very frankly here in the presence of Senators who represent the party—is what happened after we won our victory in 1932, which we won as a Democratic Party. The old-line Democrats fought very earnestly. We went into that campaign in an ancient spirit of enthusiasm, which had never been lost through all the years of defeat, and we won a great victory. When we won the victory a gang of socialists swooped down on the party and they have carried on mightily ever since. They never fought any political battles in their lives. They would not know how to carry on a precinct meeting. They could not be elected coroner. They never could rise to the dignity of a policeman's job in politics. They swooped down on us. I am in that spirit of tolerance that I welcome them and glad to have them, glad to have their views, glad to have them join us. But, in God's name, are we going to let them run us out? That is what is troubling me. They have about taken charge. It got to the point where they began to want to run us out, and the time has come when we will have to pronounce "shibboleth" just as it is said "shibboleth" has to be pronounced.

Senators will remember the old story of Israel. "Shibboleth" was the password in the campaign in the wilderness, and if one said "shibboleth" he was all right, but it had to be pronounced exactly as the Israelite at the gate said it. A fellow came to the gate one night who lisped, and he said "shibboleth," and they killed him.

I am not trying to read these people out of the party. Oh, no; I am willing for them all to be in the party and vote the ticket, and am willing to hear their views. If there is any good thing they can do through the Democratic Party, let them do it. The country needs everything good that can be done. But where did they get the idea that they could drive out of the party men who have been in it all their lives? Where did they get the idea that they are the party and that wisdom will die with them?

I am going to say another word for those gentlemen, too. They cannot run the Democratic Party. They may get possession, but they will never be able to lead it to victory. They may think so, but not until they have learned how to go down to a precinct and fight a battle, into a county and fight a battle, into a convention and fight a battle, and into an election and fight a battle, will they know anything about it.

They are going to need some of us fellows before they are through; and if they are going to need us, it would be a pretty good idea not to run us out, not to lord it over us, not to tag us with bad tags. I believe it would be well for them to hear our views. We cannot help hearing theirs; the air is full of them. I am willing to hear them, as I have said, but I think they might pause some time long enough to hear somebody else. They might listen to the great voice of the past in our party. That is one part of this political situation which bears upon my mind. I hope everyone will see that I am not trying to run them out; I am just asking them to give some of these old-time Democrats their accustomed place, not as large as it was once, but some little place in the Democratic sun. I am also saying to them that if they want to run us out and try to run the party themselves, we all suspect that after all they will repent of their folly.

Mr. President, that is one feature of this matter, and now I come to another. The issue here is one that grieves us all very much, and I am going to be perfectly frank about it. I shall say nothing about the motives of Senators. I wish to exonerate myself and exonerate right now from every suspicion of any accusation about any man's motives—

but I can talk about the bill. The bill caters to the Negro vote in the North. There is no question about that. The bill is sponsored by a Negro organization in the North. I mean it is publicly so sponsored; I do not mean in the Senate. The fight for this bill is being supervised by an organization headed by a Negro.

This brings up a lot of history and a great deal of experience to us southern men. I think it well for our northern friends to know it—for our northern fellow Democrats to know it. When you get to catering by way of legislation to the Negro vote in Philadelphia, Pittsburgh, New York, Chicago, Cincinnati, St. Louis, and all around you are going to repeat for yourselves some very disastrous history that happened in the South in the period of reconstruction. That accounts for a great deal of the legislation down there. Many have forgotten about that legislation, happily. Most of the people of the South have forgotten about what happened down there, and I am glad they have. There is no use dwelling by the waters of bitterness. But I do not forget it. I could not forget it. The generation after me has forgotten it, but my generation can never forget it. I grew up in reconstruction. I knew its poverty. I knew its hardships. They did not trouble me. I have sometimes thought, Mr. President, that we were happier in that poverty than we could ever be otherwise. There was something very noble about it, something very beautiful about it. We were all poor; all poor together; and poverty was no disgrace; and I am happy to say that it was no sense of handicap, either.

The thing that hurt us, however, the thing that struck the souls of the people of the South was the interference of carpetbaggers with the Negroes, catering to them in legislation, which ruined the Republican Party in the South. I want the Republican Party to understand that the southern people were not so much disposed to vote against that party to begin with. One of the finest stories I know is the story of old Capt. W. H. H. Lawhon, who became a Baptist minister afterward. He was a State senator and had been a captain in the Confederate Army who had fought at Gettysburg. He followed Robert E. Lee all the way back to Appomattox, and he told me this story himself. He was a patriarch in his section of the country. Everybody loved and respected him.

I asked him one day how he got to be a Democrat, and he said, "You know, I came back from Appomattox in my rags, walking down here to my old home in Moore County, across Virginia and North Carolina. I thought about the war and what brought it on, and I decided it was a politicians' war, and I did not like it. I did not regret that I had fought, but I decided that the war had been a politicians' war which ought never to have taken place. I made up my mind that I would always be independent in politics from then on, that I would never let any party lead me, that I would never follow politicians, that I would vote my duty as I saw it."

I said, "You have become a great Democrat. I wonder, Mr. Lawhon, what made you become a Democrat."

He said, "Mr. BAILEY, when I went to the polls to vote I did not have any decent clothes, so I put on my old Confederate suit. I would have worn different clothes if I had had them, but we had no money in the South, and we had no clothes. When the war ended all the money was gone, as well as everything else."

"I went up to the polls, and there were two Federal soldiers in blue, one sitting on one side of the box and the other on the other side, and they were voting the Negroes. They looked at my uniform and asked me who I was. I told them I was Captain Lawhon, and that I had fought at Gettysburg and had surrendered at Appomattox. They said, 'You cannot vote,' and they drove me away from the polls." This old veteran said, "Brother BAILEY, I have been a Zeb Vance Democrat ever since."

A "Zeb Vance Democrat." Zeb Vance served in the Senate, and they would not let him sit here when he first came, but sent him back home.

I hope Senators get the point, that catering to and honoring of Negroes—and I do not say anything against the Negroes, it was not their fault—and that humiliation made the South Democratic. Many people in the South, I do not know how many, believe in the protectionist policy. A great many of them believed in the gold standard in the days of Bryan, when that was a matter of controversy. But when election day comes, there is something in the spirit in the South that makes men go to the polls and vote the Democratic ticket; and I know what it is. The Democratic Party was the only party to which the Southern people could look to protect them against the contemptible white politicians who were catering to them. It came to the point where a man lost his standing in the South if he voted the Republican ticket.

I do not wish to state anything that would create offense, but I say with all respect that there is in the South many a man of the old type who could not possibly understand another man who would say that he voted for a Republican for President because he considered that Republican to be a better Democrat than the Democratic candidate. That goes home to us. We hope that example will not be followed in our southern country. The Democratic Party is an institution in the South. It is not a party; it is an institution. Some of us could shed tears at times when we see what is happening to it.

On the other hand, I say that if you go ahead with your catering to the Negro vote in the North, the same thing will happen in the North that happened in the South. Do not make any mistake about that. The human race is human, North, South, East, and West. Bring forward legislative proposals in order to capture the votes of Negroes in Pennsylvania, and you will lose the votes of the white people in Pennsylvania, just as you will lose them in the South. We could excuse the Republicans on the ground that they knew nothing about us, and that under them the Negro had been emancipated, and the Negro was looking to them, and then they sent representatives into the South who, in my opinion, did not very worthily represent them; indeed, I should not say that they represented them in any degree; and the Republican Party became the party that looked after the colored men. It was expected to do that. The Democratic Party became the party that looked after the white men.

I have been through all that happened since the Negroes obtained the vote in North Carolina. They were voting in very great numbers in the nineties. The literacy amendment, disfranchising the illiterate, was not passed until 1897, and the State was overturned politically, and a fusion regime was elected. The fusion regime was elected very largely by the votes of Negroes who were being catered to by low-down white men, regardless of the welfare of the Commonwealth, and regardless only of their sordid ambitions for contemptible offices.

What happened? We had a revolution in North Carolina. I was editor of a paper at that time, and I undertook to protest against the severities and the extremes used in the revolution. But I made a speech for the revolution, and I was editor of a religious paper at the time. Nobody has ever complained of me because of that. At Thomasville, N. C., in 1898, I expressed the conviction that we would not get anywhere in North Carolina until we could get rid of that sort of catering to the Negro votes. It was that catering to them that was the evil. It was not the Negro himself.

When we finished with that revolution the whole situation was cleared. Charles B. Aycock became Governor in 1900, as I recall, of the great State, and he said, "We are going to take charge of the State. We are not going to cater to the colored people, but we are going to treat them right." I shall never forget his words. He said, "We are going to execute judgment in righteousness."

Things have gone very well there since. You Republicans hear me! Your party is very much stronger now than it ever was before in North Carolina by reason of that. You cast 280,000 votes last time, and practically all of them white votes, for your candidate for Governor. You cast 231,000

votes for your candidate for President. The Negroes fared well. The Senator from Idaho [Mr. BORAH] told us about that the other day, and I am not going to repeat it; but the Negro really has made more progress in the South than in the North. He has made more progress down there than at any other place in the world—much more than he ever would have made in Africa.

Our relations down there are extremely happy. Someone may go down there and sow the seeds of discord with respect to my speech here today. He may do a little harm for the time being, but we get along splendidly with the colored people. I like to speak of them as "the colored people," but I should like everyone to understand that while I would call them "Negroes," I would not call them "niggers." They have a right to their name. Let them fix it up for themselves so far as I am concerned.

After the vote on this very bill last year, when I was a candidate, I went down to North Carolina. I think most Senators know I did not leave here until 2 o'clock on the morning of election. I stayed right here until then.

I did not have any committee; I did not have any organization; I did not take any part in the campaign. I simply stayed right here and went on here as though there was nothing happening down there. The driver of my car, who was a colored man, met me at the station at 10 o'clock. I said, "Joe, any news from the election?" He said, "Yes, Mr. BAILEY. Over in my part of town," he said, "all the colored people are voting against you." "Well," I said, "many of them?" "Oh," he said, "great swarms of them—great swarms of them voting in the Democratic primary." "Well," I said, "that is all right, Joe. I understand that." "Well," he said, "they are talking mighty bad over around the polls." I said, "What is it? What are they saying?" "Why, they said you are in favor of lynching them."

Mr. President, that is how low things can be carried by catering to the Negro vote. They cast 2,500 votes against me in my own town in that election. I have never had it in my heart to blame them. I left the Democratic convention a few days after that to go to the funeral of a Negro woman. I like those people, and I know that in the long run they will have confidence in me; and I should be ashamed of myself if I felt like striking at them because they struck at me under the misguidance of the very man who is backing this bill from the gallery at this hour. That is dastardly business.

Mr. President, I have another point to make. I am saying to the Democrats in the North that if they undertake to cater to the Negro vote in the North, there will be a white party in the North. I can state why that is so. The Negroes are good people. Their hearts are good. They have a much better capacity for the old faith than have the white people, and I thank God for it. I will say here, in passing, that I am very glad my children got their faith from the Negroes and not from me. Every now and then the lamp of my faith flickers very low, but the lamp and the faith of the Negroes in my home burn very brightly, and I am glad my children live in the light of it.

There are, here and there, men perfectly capable amongst themselves, and there always have been. One of the greatest teachers in our commonwealth was a Negro. I heard the junior Senator from North Carolina [Mr. REYNOLDS] earlier in the day making reference to the naming of some roads after Negroes. There is a school in my home city in North Carolina named after a man named Chavis, and I was on the school board when the schoolhouse was named. I voted to name it after Chavis. One schoolhouse is named after President Garfield. The other is named after Chavis, a colored man. You never heard of him, Mr. President, but he was a teacher of a great number of the ablest white people in North Carolina. People do not understand about that. We know that the Negro is capable of fine things. We hope for the best influence for him. We recognize the merit in him, and we see him coming forward all the time, acquiring property and gaining station and self respect, and we rejoice in it, and we think our system is doing that. His friendly contact with us and our friendly contact with

him is worth all the laws that ever may be written on the books.

There are, after all, great masses of them who are still very hopelessly ignorant, who know nothing about government and have no comprehension about it. They voted the Republican ticket from 1867 until last year. They followed the Great Emancipator. They could not be blamed for that. He had freed their race. All one had to do was to ask a Negro, "Aren't you going to vote with the party of Abraham Lincoln?" No matter what he thought, he was going to do it. Now, when the question is asked, "Are you not going to vote for the party of Abraham Lincoln?" they say, "I don't know about that; Mr. Lincoln freed us, but that was way back yonder in 1863. Now Mr. Roosevelt feeds us, and feeding us is more than freeing us."

I do not care how the Negroes vote, but I should like them to be capable of voting on some sort of standard. There is the point. They are not capable in the mass right now of voting on any such standard. Whenever the Republican Party or the Democratic Party or the New Deal party or any other party begins to cater to the Negro vote, it is going to elect to office common fellows of the baser sort, and destroy the party. So now we in the South are in just this fix: We see this legislation pending here, and we feel, without impugning anyone's motives, that it caters to the Negro vote. We know how it works down there in the Democratic primary. All the Negroes came over to the primary to vote against me. We see how it is working by way of dragging down our politics and making it infinitely more difficult for us. We are saying that when that policy is pursued in Pennsylvania it is going to have the same effect, but we are willing to have the Pennsylvanians perform the experiment. That is the difference between the South and the North in this case. I know that in Pennsylvania there is a social-equality law—I put it in the *Record*—which makes it a crime for any restaurant or hotel or boarding house not to give to the colored people the same accommodations they give to the whites.

Pennsylvania can try that out if she wishes. We are not trying to interfere with the affairs of Pennsylvania. I am saying though, to the Pennsylvania Democrats, that when they get into that they are going to repent it in tears and sackcloth and ashes. It will not be long before the white people of Pennsylvania will be coming to the Senate and asking the Democrats to save them. They will not find salvation there. Senators need not worry what will happen. The white people will form a party. I am willing to have Pennsylvania perform the experiment; but I am utterly unwilling that other States, in which there has been no experience in this matter—that is the trouble—in which there is no understanding of this matter based on experience; I am unwilling, and I think it a wrong against our civilization itself, a wrong against the country itself, a wrong against the colored race as well as the white, for those States to undertake to say to my State how it shall manage itself and solve the difficulties growing out of this great problem. We have had 75 years of freedom for the colored man, and we all are glad that he is not a slave. Those 75 years have meant something to us by way of experience. The Senator from Idaho showed the other day how beneficent that experience had been both for the southern white man and the southern colored man.

But consider the effect upon the party. Hear me in all solemnity and with no desire to hold anything back. Let the national Democratic Party become the party catering to the Negro vote, and there will be no question as to what will happen in the South. I sometimes think, Mr. President, I am fighting for my home in the Democratic Party, my father's party. I will make my fight. We will not yield; we will not let anybody drive us out. They make take it away from us, but we will be right there, the same old Democratic Party. It is an institution down there. I hope I have made it clear to my fellow Senators why I feel about this matter as I do.

I said there is an internecine war here threatening as between Democrats. It is not between Republicans and Democrats any more; the fight is all on our side. We are telling you what will happen when you begin in a national way to tell our people what they shall do. You can do it in your States; go and do what you please in Ohio or New York or Boston, Mass., or Pennsylvania; but in the hour that you come down to North Carolina and try to impose your will upon us about the Negro, so help me God, you are going to learn a lesson which no political party will ever again forget. That is the truth. Some may not like me for saying it now, but one of these days those who do not like it will say, "Would to God we had listened to the warning." The civilization in the South is going to be a white civilization; its government is going to be a white man's government. We are not without our recourse. We have lost some things. We had the two-thirds rule, and that was one great ground of attachment to the Democratic Party. It has gone; it was taken away from us in the twinkling of an eye. Hardly one of us had an opportunity to make a protest.

Now convert the Democratic Party into a party undertaking to cater to the Negro vote by imposing measures such as this upon the South and I give you a warning—I give you the warning that no national administration can survive that does such a thing.

It may be said the people of the South are not going to be greatly aroused about it. Now, perhaps, they will not be; they are a patient people; but when they see the meaning of it, and what follows it, you need not worry at all about them responding as they have always responded, and remember I said you in the North are going to respond in the same way. It is not a thing that is peculiar to the South; it is a matter that exists because of the unfortunate differences which I will not mention any further between the Negroes and the white people. Race problems always are difficult. I do not suppose there ever was a more difficult one than now is in the South; and I am not blaming the colored man about it. Somehow or other I have a great sense of relief and joy that we have gotten along so well as we have under the circumstances, and I felt very deeply, I will confess, when the Senator from Idaho (Mr. BORAH) was telling the Senate the other day of the difficulty the people of the South had and how well they had done with it. Mr. President, it is worth living 64 years just to hear that, and it is worth this debate, with all that is unfortunate about it and all that is unhappy—it is worth it all to hear him talk as he did. There is one American who understands, and he is not a Democrat.

Mr. President, I have elaborated that with a great deal of candor and with no regret for the candor and no apologies for anything I have said by way of being very candid. I do not know that there is any other way to get along in the world except to be candid. I have done it because I thought it ought to be done. I think my party ought to be warned in two respects. The first one, I say, is this: We will welcome these newcomers with the socialistic trend—and many of them are really socialistic—and we will let them carry on with all the zeal of renegades, but they must recognize that the old party is still here; that the old type of man is still here, and they cannot get along without us. That is one.

The other is we are perfectly willing for the Northern States and the Western States or any other States to do just as they please about the race problem. But just as when the Republicans in the sixties undertook to impose the national will upon us with respect to the Negro, we resented it and hated that party with a hatred that has outlasted generations; we hated it beyond measure; we hated it more than was right for us and more than was just; we hated it with an intolerance that nobody could probably approve, but we hated it because of what it had done to us, because of the wrong it undertook to put upon us; and just as that same policy destroyed the hope of the Republican Party in the South, that same policy adopted by the Democratic Party will destroy the Democratic Party in the South.

Mr. SMITH. That is true.

Mr. BAILEY. Of course it is. I went through the white supremacy campaign; I know something about the thoughts of the people on these matters. I am not talking in theory about the history. I was traveling all about in North Carolina. I will quote Aycock again. He said:

You could hear the crack of the rifles and the blast of the pistols more frequently than the voice of the mockingbird.

I heard him say it. We are not going to let you lead us through that, and if you try to lead us through that, we are not going along with you.

I have said enough about that. I am going back now for a moment to the constitutional character of the bill, though I am not going to try to expound the Constitution. I am going to say it is unconstitutional from the standpoint of the exposition of the Constitution by the President of the United States. I am going to read what he said. I think it is time we heard something by way of authority on the Constitution. Here is his address on "the fundamental principles of our Government according to the Constitution," to use his language:

The fundamental principles on which the Government is built and what the underlying idea of the relations between the individuals and States and States and the National Government should be.

Mr. SMITH. Mr. President, may I ask the Senator from North Carolina when that speech was delivered?

Mr. BAILEY. It was delivered on the eve of his candidacy for the Presidency in 1932, but the date of the speech is 1930. That, however, was when he was just beginning to run. He had been elected for the second time Governor of New York State. I had my eye on him at the time as a possible President of the United States. I read that speech then and I have it here. The date of it is "Reprint from New York Times of March 3, 1930. A radio speech by Gov. Franklin D. Roosevelt, of New York, on March 2, 1930."

Let us hear what the President says about the Constitution; we have all been "up in the air" about it. Let us hear what he said in 1930, not back in some remote "horse and buggy days." I do not know just when that era ended, but I do not think it continued until 1930 when we were riding in automobiles and had been doing so for 30 years and were getting ready to elect a Democratic President of the United States.

Mr. SMITH. Mr. President, before the Senator begins the reading, let me ask, does he think that the interpretation of the Constitution depends on whether one is in a buggy or an automobile? [Laughter.]

Mr. BAILEY. That depends upon whether the Senator or I might be in a buggy, but, in my spirit of tolerance, I am making allowances for other people. Now, let us hear the President. If you will not hear me, hear him:

I have been asked to talk about the respective powers of the National and the State Governments to rule and regulate, where one begins and the other ends. By some curious twist of the public mind, under the terms "home rule" or "States' rights," this problem has been considered by many to apply, primarily, to the prohibition issue.

#### THE RIGHTS OF THE STATES

As a matter of fact and law, the governing rights of the States are all of those which have not been surrendered to the National Government by the Constitution or its amendments. Wisely or unwisely, people know that under the eighteenth amendment Congress has been given the right to legislate on this particular subject, but this is not the case in the matter of a great number of other vital problems of government, such as the conduct of public utilities, of banks, of insurance, of business, of agriculture, of education, of social welfare, and of a dozen other important features. In these Washington must not be encouraged to interfere.

The proper relations between the Government of the United States and the governments of the separate States thereof depend entirely in their legal aspects, on what powers have been voluntarily ceded to the Central Government by the States themselves. What these powers of government are is contained in our Federal Constitution, either by direct language, by judicial interpretation thereof during many years, or by implication so plain as to have been recognized by the people generally.

#### DIFFERENCES BETWEEN NATIONS

The United States Constitution has proven itself the most marvelously elastic compilation of rules of government ever written.

Drawn up at a time when the population of this country was practically confined to a fringe along our Atlantic coast, combining into one nation for the first time scattered and feeble States, newly released from the autocratic control of the English Government, its preparation involved innumerable compromises between the different Commonwealths.

Fortunately for the stability of our Nation it was already apparent that the vastness of our territory presented geographical and climatic differences which gave to the States wide differences in the nature of their industry, their agriculture, and their commerce.

Already the New England States had turned toward shipping and manufacturing, while the South was devoting itself almost exclusively to the easier agriculture which a milder climate permitted.

Thus, already it was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State, and that any national administration attempting to make all laws for the whole Nation, such as was wholly practical in Great Britain, would inevitably result at some future time in a dissolution of the Union itself.

Need I remind the Senate that that is the language of the President of the United States? If I said that, it would be discounted as the words of an alarmist; but that comes from the President.

#### THE RIGHTS OF MINORITIES

The preservation of this "home rule" by the States is not a cry of jealous Commonwealths seeking their own aggrandizement at the expense of sister States. It is a fundamental necessity if we are to remain a truly united country.

The whole success of our democracy has not been that it is a democracy wherein the will of a bare majority of the total inhabitants is imposed upon the minority, but because it has been a democracy where through a division of government into units called States the rights and interests of the minority have been respected and have been given a voice in the control of our affairs.

This is the principle on which the little State of Rhode Island is given just as large a voice in our National Senate as the great State of New York.

The moment a mere numerical superiority by either States or voters in this country proceeds to ignore the needs and desires of the minority, and, for their own selfish purposes or advancement, hamper or oppress that minority or debar them in any way from equal privileges and equal rights—that moment will mark the failure of our constitutional system.

For this reason a proper understanding of the fundamental powers of the States is very necessary and important. There are already, I am sorry to say, danger signals flying. A lack of study and knowledge of the matter of the sovereign power of the people through State government has led us to drift insensibly toward that dangerous disregard of minority needs which marks the beginning of autocracy. Let us not forget that there can be an autocracy of special classes or commercial interests which is utterly incompatible with a real democracy whose boasted motto is "of the people, by the people, and for the people."

Already the more thinly populated agricultural districts of the West are bitterly complaining that rich and powerful industrial interests of the East have shaped the course of government to selfish advantage.

#### "HOME RULE" IS AN IMPORTANT THING

The doctrine of regulation and legislation by "master minds," in whose judgment and will all the people may gladly and quietly acquiesce, has been too glaringly apparent at Washington during these last 10 years. Were it possible to find "master minds" so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices; men almost godlike in their ability to hold the scales of justice with an even hand, such a government might be to the interest of the country, but there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history.

"We cannot expect a complete reversal of all the teachings of history"! The one man in America who should have said that is the man who said it.

Now, to bring about government by oligarchy masquerading as democracy it is fundamentally essential that practically all authority and control be centralized in our National Government. The individual sovereignty of our States must first be destroyed, except in mere minor matters of legislation. We are safe from the danger of any such departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever they seem in danger.

Somebody accused me of filibustering. I plead that in justification. I say to you that I have the warning and the adjuration of the President of the United States that "we are safe from the danger of any such departure"—that is, a departure in the direction of autocracy—"from the principles on which this country was founded just so long as the indi-

vidual home rule of the States is scrupulously preserved and fought for whenever they seem in danger."

Thus it will be seen that this "home rule" is a most important thing, a most vital thing, if we are to continue along the course on which we have so far progressed with such unprecedented success.

Let us see, then, what the rights of the different States, as distinguished from the rights of the National Government, are. The Constitution says that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and article IX, which precedes this, reads: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

#### WHAT POWERS ARE DELEGATED?

Now, what are the powers delegated to the United States by the Constitution?

First of all, the National Government is entrusted with the duty of protecting any or all States from the danger of invasion or conquest by foreign powers by sea or land, and in return the States surrender the right to engage in any private wars of their own. This involves, of course, the creation of the Army and the Navy and the right to enroll citizens of any State in time of need.

Next is given the treaty-making power and the sole right of all intercourse with foreign states, the issuing of money and its protection from counterfeiting. The regulation of weights and measures so as to be uniform, the entire control and regulation of commerce with foreign nations and among the several States, the protection of patents and copyrights, the erection of minor Federal tribunals throughout the country, and the establishment of post offices are specifically enumerated.

The power to collect taxes, duties, and imposts to pay the debts for the common defense and general welfare of the country is also given to the United States Congress as the lawmaking body of the Nation.

It is interesting to note that under the power to create post offices the Constitution specifically provides for the building of post roads as a Federal enterprise, thus early recognizing that good roads were of benefit to intercommunication between the several States and that districts too poor to afford to construct them at their own expense were entitled to some measure of Federal assistance. It is on this same principle that New York and other States are aiding rural counties or constructing entirely at State expenses improved through thoroughfares suited to modern traffic.

The Constitution also contains guaranties of religious freedom, of equality before the law of all citizens, of protection from confiscation of property, and from other possible acts of injustice to the individual citizen; and Congress is empowered to pass laws enforcing these guaranties of the Constitution, which is declared to be the supreme law of the land.

On such a small foundation have we erected the whole enormous fabric of Federal Government, which costs us now \$3,500,000,000 every year; and if we do not halt this steady process of building commissions and regulatory bodies and special legislation, like huge inverted pyramids over every one of the simple constitutional provisions, we shall soon be spending many billions of dollars more.

I hope I may be pardoned for saying that that is evidence that our President had the gift of phophecy.

A few additional powers have been granted to the Federal Government by subsequent amendments. Slavery has been prohibited, all citizens, including women, given the franchise; the right to levy taxes on income, as well as the famous eighteenth amendment regarding intoxicating liquors, practically cover these later changes.

#### A NEW LAND OF PROMISE

So much for what may be called the legal side of National versus State sovereignty. But what are the underlying principles on which this Government is founded? First and foremost, the new thought that every citizen was entitled to live his own life in his own way so long as his conduct did not injure any of his fellow men. This was to be a new "land of promise" where a man could worship God in the way he saw fit, where he could rise by industry, thrift, and intelligence to the highest places in the Commonwealth, secure from tyranny, secure from injustice, a free agent, the maker or the destroyer of his own destiny.

But the minute a man or any collection of men sought to achieve power or wealth by crowding others off the path of progress, by using their strength, individually or collectively, to force the weak to the wall—that moment the whole power of government, backed, as is every edict of the Government, by the entire Army and Navy of the United States, was pledged to make progress through tyranny or oppression impossible.

On this sure foundation of the protection of the weak against the strong, stone by stone, our entire edifice of government has been erected. As the individual is protected from possible oppression by his neighbors, so the smallest political unit—

"So the smallest political unit"—

the town, is, in theory at least, allowed to manage its own affairs, secure from undue interference by the larger unit of the county, which in turn is protected from mischievous meddling by the State.

This is what we call the doctrine of home rule, and the whole spirit and intent of the Constitution is to carry this great principle into the relations between the National Government and the government of the States.

#### OUR PROPER COURSE

Let us remember that from the very beginning differences in climate, soil, conditions, habits, and modes of living in States separated by thousands of miles rendered it necessary to give the fullest individual latitude to the individual States. Remembering that the mining States of the Rockies, the fertile savannas of the South, the prairies of the West, and the rocky soil of the New England States created many problems, introduced many factors in each locality, which have no existence in others, it is obvious that almost every new or old problem of government must be solved, if it is to be solved to the satisfaction of the people of the whole country, by each State in its own way.

There are many glaring examples of where exclusive Federal control is manifestly against the scheme and intent of our Constitution.

It is to me unfortunate that under a clause in our Constitution, itself primarily intended for an entirely different purpose, our Federal courts have been made a refuge by those who seek to evade the mandates of the State judiciary.

I think if we understand what I have tried to make clear tonight as to the fundamental principles on which our Government is built, and what the underlying idea of the relations between individuals and States, and States and the National Government should be, we can all of us reason for ourselves what should be the proper course in regard to Federal legislation on any of the questions of the day.

I respectfully submit my argument on the unconstitutionality of the proposed legislation in the words of the President of the United States, without an omission, beginning at the beginning and reading through to the end. I understood that there was some sort of a disavowal on the floor of the Senate that the President was supporting the pending measure. I understood that it was stated, not exactly that it was not an administration measure, but we were left up in the air about it.

I am saying that no man who made the speech which I have read can support the proposed legislation now without a world of explanation. It cannot be explained by saying that in 8 years we moved out of the "horse and buggy" days into some other sort of a period.

I submit to my fellow Senators who are inclined to follow the President very faithfully that I stand on the principles enunciated in this speech. That is where I have always stood, and that is where I am always going to stand.

I read this speech, and I supported the President. I have not changed. I stand on that statement. That is as good a statement of the character of the structure of this Republic as I have ever read, and I have read a great many of them. That is in accord with all the history of this country. That is in accord with all the decisions of the courts of this country. That is the historic interpretation of the Constitution.

That was the American understanding of America until the last 3 or 4 years. I was rocked in that cradle, and I never thought the time would come when I would hear anyone say anything but that, and I would to God something might happen whereby that doctrine would come back and be the doctrine of this administration and of the Congress.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. LEWIS. I rise to ask my able friend where he sees any difference, from a constitutional point of view, between advocacy by a President or support by a Senator of the proposal to enlist the aid of the Federal Government in behalf of a citizen of a State and the Federal Government entering into the same State for the protection of the land of that State, its farms, and the direction of the management of its farms, known as agriculture?

Mr. BAILEY. I am sure the Senator did not hear the speech. The President said we had no right to go in on agriculture.

Mr. LEWIS. I am speaking about what we have done, and about what we are still doing.

Mr. BAILEY. Now, the Senator is going to argue that because we have we should. That does not follow.

Mr. LEWIS. If my able friend sees any difference in principle between what is proposed now and what we have done out of the necessities, for reasons into which I do not wish

to enter, what is the constitutional difference in the National Government finding it agreeable, under the present President of the United States, going into the States and assuming to direct the methods of farming, or limiting the land to be farmed, or the amount that shall not be farmed, providing funds for the management of the farming, control of the problem, and an attempt to control and protect the citizen of a State by the Federal Government?

Mr. BAILEY. I question whether fundamentally there is any difference; but I am opposed to both. That does not place me in an embarrassing position. I voted against the A. A. A. bill notwithstanding the fact that I knew that 80 or 90 percent of the farmers in North Carolina wanted it, and I voted against it wholly because it was unconstitutional. I did not think I had a right to vote in any other way, and I do not think I have any such right now. I regard my oath as the one condition of my office, and I understand that the oath is to prevent me from usurping power, and when I violate it I am a usurper before the Senate and before God.

When people ask me to vote for a bill because it is popular, and I wish to do it, I hope and pray I may have the strength to resist it in order to maintain my oath, because fundamentally that is not only my faith with my people; it is my faith with Him from whom I came and to whom I must give my ultimate account. So I see no trouble, and the President took the same view I take. Let me read again:

Wisely or unwisely, people know that under the eighteenth amendment Congress had been given the right to legislate on this particular subject, but this is not the case in the matter of a great number of other vital problems of government, such as the conduct of public utilities, of banks, of insurance, of business, of agriculture.

That is what the President said, that is where I stood in 1933, and that is where I stand now. The Supreme Court, in the Butler case, took the same view, said we could not control, and while that matter is before us I wish to refer to the dissenting opinion of Mr. Justice Cardozo, of whose illness I have heard with a great deal of regret, for whom I have the utmost respect, and for whose recovery I have the deepest hope.

Reading the opinion of Justice Cardozo and Justice Stone and Justice Brandeis, we will find that they themselves did not say that they would support compulsory legislation interfering with agriculture. They sustained the A. A. A. on the ground that it was not compulsory. The Bankhead Act and the Kerr-Smith Act were not involved; they were compulsory measures. These Justices said, "This act is an act based on the taxing power of the Government, power to appropriate funds," and that those funds could be appropriated as conditional gifts. But they did not say they could be appropriated by way of control. I have thought that any control legislation would be condemned by Justices Stone, Brandeis, and Cardozo.

Mr. President, the temptation is to linger on this subject, but I am going to leave it. I think it quite clear—it must be clear—that the historic conception of our Government as interpreted by our fathers and by our own generation and by our President condemns the proposed legislation and all other similar legislation.

We will get out of the present attitude of mind. We are going to repent of all the sort of thing we are doing. My faith in the American people is not easily shaken. I have seen populism run riot over the country for 10 years and then disappear like the fogs before a July sun. All this will go and we will wonder some time that we ever gave ourselves over to this sort of thing. We will come back and read this speech of the President, and we will say, "Here is the real doctrine." We are going to be glad that our President made this statement in 1930.

I am not afraid about the conditions. Some Senators become worried to death because of all the nostrum business that is going on in this country. I am not worried about it. I have seen the patent-medicine political fakers sell nostrums to the American people before, and others have. Then I have seen all the nostrums thrown in the ditch and

the old political faker forgotten and disgraced. That is what will happen about all that is now going on. We are carried away by a tide. We had a period of excitement, which some speak of as hysteria. We thought terrible things might happen. But we are getting out of that. Out of that came all sorts of sins of commission and disregard of the Constitution. The cry was, "Adopt this and adopt that, no matter whether the Constitution permits it or not. Violate your oaths. Let the bill become a law for a year"; those giving utterance to such sentiments well knowing it would not be a law after that.

Mr. President, if I were younger, I would feel differently about this matter, perhaps, but after a man has been in public life 40 years and has lived in the midst of these things, he gets a great faith in the character of his fellow men. They go wrong at times, they get off the base, excitements take hold of them, but, after all, common sense rules America. Sound character is in the heart of the American people. It is moving right now, too. Thank God, it is moving right now!

In passing, I may say to the Senate that very probably there were some who felt that the little declaration which some Senators got up some weeks ago would just die aborning, prematurely divulged, as it was. I may say to the Senate that I have had orders for 300,000 copies of that declaration since I made the speech about it, and they keep coming in. My secretary comes in every day and tells me I have to print some more. It is being printed in circular form all over the country. I think I am safe in saying that there are 700,000 or 800,000 copies of it going out, and it will continue to be disseminated.

Mr. President, this declaration will continue to go out because the American people believe in the American system. They believe in just what the President stated in this speech I have read. No man on earth could have been elected President of the United States in 1932 if he had not believed in what the President stated at that time. That is what the people believed then, and they will come out of all this excitement. Let us not be afraid. My mail is filled with requests for reprints of the declaration, and papers all over the country are printing it. I am not sending it out as propaganda. I am getting no end of checks for \$4.60, which is what it costs to send out a thousand. I was embarrassed the other day when my clerk came in and brought me a lot of checks. I said, "What do you mean by bringing me these checks?" He said, "They are from people asking for the declaration." I wrote and told them that we printed 100,000 for \$460, which meant \$4.60 a thousand. I signed the checks and sent them to the printing establishment. That is an evidence of what is going on in the United States.

Hear me, Senators. We will trifle a little. We are like young fellows standing on the edge of the precipice, just to see how deep it is and how far we can go, but in the hour of need, in the moment of reality, when the American people see that the issue in the United States is between free enterprise such as we have known these 150 years, and the collectivism which hangs like a cloud over us, stretching over the continent, do not worry. The political life of the man who squints in the direction of collectivism is not going to be worth 5 cents in 6 months.

I am glad the issue is coming. That is the issue. I am no alarmist about that, either. I want Senators to hear me about it. We are going to get out of this depression; we are going to employ the unemployed; we are going to rescue agriculture; we are going to go on building America on the basis of individual free enterprise, or we are going to fail. If we fail, we cannot help going to collectivism. For that reason it is the duty of every patriotic American to do everything within his power to encourage free enterprise. I am not ashamed to say it. That means to foster American business, big and little. That is what we come to. I know free enterprise must succeed, or we are going into collectivism.

I know there are men in places of authority who wish to undermine free enterprise in order that it may fail and they

may have their collectivism. I have no doubt about that, but I am not one of them. I understand what they are doing. There is no one who was more heartened than I was lately because of the national repudiation of the foolish and extravagant utterances of the Secretary of the Interior, Mr. Ickes. We do not have to answer them. The American people answered them. The American people do not have to answer Mr. Robert Jackson's utterances, either. Those two are trying to put the responsibility for this recession upon business—what for? To discredit business, to make it impossible to recover. Did they succeed? No! The American people put them exactly where they belong. It does not make a bit of difference what they say from now on. They are finished. They struck into the instincts of the American people. They could have got off no end of foolishness; they could have vaped all they wished to vapor; but when they got down to hard tacks and tried to put that over, we saw the whole people of the United States rise. While the President of the United States has not openly repudiated them—I wish he had—he has taken the position, for which I praise him, that the only trouble with business in America is confined to a handful of people.

That gets it right down to just a handful of people. Of the great organizations all over the country we have just a handful of such people. What now becomes of Mr. Secretary Ickes and what becomes of Mr. Assistant Attorney General Jackson, with their broadside attacks, in the light of the statement of the President at the party dinner, that after all the difficulties in American business, the things to be complained of, are confined to a mere handful of persons? I am with him on that. Let us find the handful. Let us see what they are doing which is wrong. Let us correct it; but when we have done that we are not thereby going to cure our depression.

That ends the argument of the businessman being responsible for the depression. A mere handful could not have done it. That is an impossibility. Of course, we have had other things. I am, however, saying what we have had. I am not criticizing. I am constructing. When we wish free enterprise in America we must create a climate in America that is favorable to it. You have to quit undermining it. You have to find the Fabian Socialist in America—that is what he is—mark him, identify him, answer his arguments, and, even before you answer his arguments, make business a success in America. That means making farming a success, I will say to the Senator from South Carolina [Mr. SMITH]. That is free enterprise. That means making textile industries a success. That is free enterprise. That means making the railroads a success. The railroads are a free enterprise. That means making banking a success and making United States Steel a success, and the little banks as well as the big banks—all of them. Take big and little; all—it is all one fabric, one structure—find what little evils they are doing or what big evils they are doing and get rid of them.

Then the American people will move on to the new "land of promise" of which our President spoke where a man—and I will quote his words:

Could rise by industry, thrift, and intelligence to the highest places in the commonwealth, secure from tyranny, secure from injustice, a free agent, the maker or the destroyer of his own destiny.

There is the definition of free enterprise. I am with him. Mr. President, I should like to have the leader of the Senate intimate to me whether he is going to "take out," as they say at home, at about 5 o'clock. I am going to speak next. I will say, by way of celebrating Jackson Day, in prophecy. I am going to read Andrew Jackson's farewell address to the Senate in further support of my position on this bill; and it is a fine address. It is no better than this one made by our President, but it is a fine address.

Mr. SMITH. What Jackson?

Mr. BAILEY. Not Robert but Andrew Jackson. I do not think they are related. I think Robert came from somewhere off here, but I know where Andrew Jackson came

from. That reminds me: Andrew Jackson, I will say to the Senator from South Carolina, was born in North Carolina.

Mr. SMITH. He said he was born in North Carolina, but I doubt it.

Mr. BAILEY. I thought I might get up a controversy on the subject of Andrew Jackson. I made that statement mainly by way of challenge, not by way of assertion.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. BAILEY. I have accomplished my purpose. I yield.

Mr. SMITH. There is such a dearth of big men in North Carolina that I will let the Senator indulge that thought for a while. [Laughter.]

Mr. BAILEY. I thank the Senator. He is very good. I wish to say a word about Andrew Jackson before I begin on his farewell address.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. McKELLAR. I desire to say that while Andrew Jackson was born in either North or South Carolina, he secured his greatness in Tennessee. [Laughter.]

Mr. BAILEY. The same place where the senior Senator from Tennessee got his. That explains a great deal to us all.

Is the Senator from Kentucky willing for me to quit with one word about Andrew Jackson?

Mr. BARKLEY. I thought the Senator wanted to read the address before we quit.

Mr. BAILEY. That will take me another hour.

Mr. SMITH. Save that until tomorrow.

Mr. BAILEY. I want to clear up the situation about Andrew Jackson. Nobody knows where his birthplace was.

Mr. BARKLEY. I suppose there is no question at all that he was born. [Laughter.]

Mr. BAILEY. I do not know about that. I do not want to be committed on that subject. He may have been a plain gift from Heaven.

Mr. McKELLAR. Mr. President, I have seen a monument which commemorates his birthplace. I suppose he was born where those ladies placed his monument.

Mr. BAILEY. I wish to make a statement by way of clearing up that question. I really wanted a rest and I issued my challenge to the senior Senator from South Carolina with malice aforethought. Henrik Van Loon says, I think rather inadvertently, in his history, that Andrew Jackson was born in North Carolina. All patriotic North Carolinians claim him, but the truth is that it was down somewhere about the Waxhaw settlement, and it is hard to tell where the line is; but we will divide it in that way. It is said that he may have derived his greatness from Tennessee. I will not challenge that statement. Andrew Jackson spent his whole young manhood in North Carolina. He practiced law at Guilford Court House and at Salisbury. One of the most interesting things I know about him is that a judgment was taken against Andrew Jackson when he left for Tennessee, which is recorded in Rowan County. It remained on record against him for several years, but one day the news of the Battle of New Orleans came, and the creditor, I think, sneaked up there—he did not do it publicly—and wrote on the judgment, "Canceled by the victory of New Orleans."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. CLARK. Will the Senator tell us what that judgment was about?

Mr. BAILEY. I am sorry, but I do not know. I hope the Senator from Missouri will tell us about that.

Mr. CLARK. I did not wish to interrupt the Senator's argument, but it would be very interesting to know what it was about.

Mr. BAILEY. At any rate, Andrew Jackson came from down there on the line between the two Carolinas. The Senator from South Carolina [Mr. SMITH] and I will divide him up. He grew up in North Carolina. Then he went to Tennessee, which was a part of North Carolina, and was about as good as the other part, too. That is the most remarkable thing about it.

Mr. McKELLAR. I thank the Senator.

Mr. BAILEY. It is a very fine country. Then he went off and made his great career in Florida, in Mexico, and at New Orleans, and came to the Presidency in the real spirit of a great American.

So tomorrow, when we resume, I wish that all may be here, not to hear me but in order that we may hear the voice of the great father of the Democratic Party. Thomas Jefferson was not the father of the Democratic Party. Thomas Jefferson was a Republican. That is the strangest thing in the world. A Republican in those days, however, was not like a Republican now. Senators realize the difference. We make that distinction. The parties were the Republican and the Federalist Parties. Jefferson was a Republican mainly by way of opposition to the Federalist idea. Democracy grew in the period from Jefferson to Jackson. It took its form and spirit from the doctrines of Jefferson, but Andrew Jackson gave it a body and the organism and the Presidency and the administration, and as he left he wrote his farewell address. So while much has been said about Jackson, tomorrow I am going to let Andrew Jackson speak for himself. I hope the Senate will come to hear me.

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. DUFFY in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Clarence V. Oppen, of New York, to be a member of the Board of Tax Appeals for the unexpired term of 12 years from June 2, 1926, vice Logan Morris, resigned, which was referred to the Committee on Finance.

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the following nominations:

Joseph P. Kennedy, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States to Great Britain, vice Robert Worth Bingham, deceased;

Hugh R. Wilson, of Illinois, now an Assistant Secretary of State, to be Ambassador Extraordinary and Plenipotentiary of the United States to Germany, vice William E. Dodd; and

Norman Armour, of New Jersey, now Envoy Extraordinary and Minister Plenipotentiary to Canada, to be Ambassador Extraordinary and Plenipotentiary of the United States to Chile, vice Hoffman Philip, retired.

Mr. THOMAS of Utah, from the Committee on Education and Labor, reported favorably the following nominations:

Leon H. Keyserling, of New York, as General Counsel of the United States Housing Authority;

J. Austin Latimer, of South Carolina, as Director of Information, serving as Assistant to the Administrator of the United States Housing Authority; and

Isador Lubin, of the District of Columbia, Commissioner of Labor Statistics, Department of Labor.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination on the Executive Calendar.

#### NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of George A. Cook, of Illinois, to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

#### POSTMASTER

The legislative clerk read the nomination of John P. Adair to be postmaster at Highlands, N. J., which had been reported adversely.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John P. Adair to be postmaster at Highlands, N. J.?

The nomination was rejected.

The PRESIDING OFFICER. That concludes the Executive Calendar.

#### RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 13, 1938, at 12 o'clock meridian.

#### NOMINATION

*Executive nomination received by the Senate January 12 (legislative day of January 5), 1938*

#### BOARD OF TAX APPEALS

Clarence V. Oppen, of New York, to be a member of the Board of Tax Appeals for the unexpired term of 12 years from June 2, 1926, vice Logan Morris, resigned.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate January 12 (legislative day of January 5), 1938*

#### NATIONAL MEDIATION BOARD

George A. Cook to be a member of the National Mediation Board.

#### PROMOTIONS IN THE NAVY

#### MARINE CORPS

Albert J. Keller to be captain.

Tom Woody to be chief marine gunner.

Glenn W. Black to be chief marine gunner.

#### REJECTION

*Executive nomination rejected by the Senate January 12 (legislative day of January 5), 1938*

#### POSTMASTER

#### NEW JERSEY

John P. Adair to be postmaster at Highlands in the State of New Jersey.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 12, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou whose garments are the trailing clouds, whose throne is in the heavens, we rejoice that in Thee we move, live, and have our being. We pray Thee that we may have faith in our hearts and live with a vision. Thou who art the sum of all things conceivable in justice, purity, and truth brood over us; do Thou ever draw us toward knowledge, industry, and refinement. Grant, O Lord, that our fellow citizens may be patient. May they not live alone for material prosperity, but let the spirit of humanity prevail among all. In us let the divine One be born again and give power to every human faculty. Almighty God, heal the world's loud weariness; its shoulders ache beneath its heavy load. Come Thou, gracious Father, and bestow merciful blessings upon our Speaker, beloved, and all Members of the Congress. Day by day renew our strength and let Thy staff be our comfort. In the name of our Redeemer. Amen.